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GOVERNMENT IN JAPAN
Recent Trends In Its Scope and Operation

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INTRODUCTION

Despite certain differences in the surface manifestations of national life -- differences which have too often monopolized the attention of Western observers -- Japanese political developments during the last seventy years have closely followed Western paths. This has meant, in Japan as elsewhere, a steady advance toward more pervasive regulation by the government of the activities of its individual citizens. This tendency is everywhere as old as politics itself but was manifested with new insistence toward the middle of the last century in expanding municipal functions such as police, sanitation, water supply, street lighting, and the rudiments of labor legislation. The process was vastly speeded up during the World War and has continued unabated ever since until today the multiplication of government services, new functions, and new problems is compelling in each country serious consideration of plans for political reorganization to meet new conditions.

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Japan joined the family of nations when this new stage in an old parade was just getting well under way. She swung into line almost

1. Japanese recognized economic regulation as a legitimate function, even an obligation, of the government. The Tokugawa shogunate had licensed and regulated business in Edo and Osaka, sometimes constructively, sometimes by futile sumptuary laws. It had also undertaken extensive public works. The most respected provincial lords were those who carried out reclamation and riparian works and promoted special industries.^{1/} Had Japan come on the international scene a few years earlier, these habits might have been overcome by the authority of Western liberal economics. But in the 1870's continental economic thinkers, both socialist and nationalist, were already urging government regulation and even ownership of industry. So in following the West, Japan did not feel obligated to discontinue official economic intervention.

1/ English accounts of economic policies of the Tokugawa regime are given in Takakoshi Yosaburo, The Economic Aspects of the History of the Civilization of Japan, New York, 1920, vols. II and III, and in Honjo Iijiro, The Social and Economic History of Japan, Tokyo, 1935.

2. Japanese merchants were accustomed to co-operative organization and self-regulation through a guild system (kabunakama) developed partly in self-defense and partly at the instigation of the shogunate officials. Although the power of the kabunakama was broken even before the Restoration, the usefulness of such organizations was not forgotten and was recognized once more in the 1880's in legislation permitting the organization of occupational associations under statutory restrictions and a new name -- kumiai. The kumiai steadily expanded in numbers and strength. As well-trying instruments for the application of a judicious mixture of legislative guidance and self-control, they have obviated some of the acrimony between government and business which has developed in other countries. The restrictions placed on American trade associations, for instance, by the Sherman Anti-trust Law would be out of place and unwanted in Japan.

3. The critical position, both political and economic, in which Restoration Japan found herself led to early, frequent and far-reaching governmental guidance of industrial development which set a precedent for later years. Japan had seen China twice attacked and beaten by European powers, and there were intrigues enough to warn her of a similar fate. Obviously her need for arsenals, iron foundries, and shipyards was too urgent to await their slow development by individual initiative: the government built them itself. The telegraph was recognized as of military importance and was made a government monopoly as in France and other continental countries. The government took the lead in railway building from the beginning -- a policy wisely calculated to avoid political abuse of foreign investments such as subsequently developed in China. General economic strength in non-military fields was equally important, however, and Japan's small-scale handicraft industries were vulnerable to competition from European and American machine-made products. Exchange provisions in the early treaties led to depletion of Japan's metallic currency, while unilateral treaty restrictions on tariffs prevented indirect fostering of young industries. Adopting the old alternative of direct encouragement,

the government built model factories, hired foreign experts, forced improvements in quality by compulsory inspection, and handed out subsidies to the limit which a depleted treasury permitted. The medicine helped the patient and has since been prescribed again from time to time as occasion warranted. A by-product was the promotion of near monopolies and trusts. The object was to establish economic institutions able to compete with the West on equal terms and there was neither time nor money to waste on weaklings. Strong firms were helped to become stronger; in later years cartels and trusts were encouraged. Japan could not afford anti-trust legislation like the Sherman and Clayton Acts in the United States. She preferred harnessing big business enterprises to prosecuting them.^{2/}

4. The Japanese Constitution is flexible: in neither wording nor interpretation does it contain restrictions on effective economic control. In the first place, while very difficult to amend, the Japanese Constitution is very adaptable; it merely outlines the essentials of the governmental structure and leaves the details to ordinary legislation. The twelfth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, and twenty-first amendments to the American Constitution would not have been necessary in Japan. Changes affecting income taxes, prohibition, or women suffrage all have been or could be adopted by ordinary law or ordinance.

Secondly, the Constitution makes Japan, like England or France, a centralized state. The national government has plenary powers, the prefectures only those powers delegated to them. Thus the Japanese Government can regulate production directly without resorting to the subterfuge of controlling interstate commerce as has had to be done in the United States. The courts do not presume to declare unconstitutional laws which the Emperor and the Diet have

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^{2/} A recent outline of government industrial policy in the early Meiji period appears in E. H. Norman, Japan's Emergence as a Modern State, I.F.R. Inquiry Series, New York, 1940, Chapter II.

approved; but even if they did, there would be no danger of a major national economic recovery measure being invalidated because of its application not being restricted to interstate commerce.

Thirdly, the Japanese Constitution does not place narrow limits around the delegation of rule-making authority to executive organs. In fact, the Japanese Constitution specifically recognizes wide ordinance powers and it is customary for the Japanese Diet, like the British Parliament, to devote its limited time and energies to the essential outlines of legislative measures, leaving the details to be drafted and promulgated by competent technicians in the administrative civil service.

Finally, while the Japanese Constitution contains an article closely resembling the American due-process clause, this article is interpreted in the original English sense. It protects the citizen against arbitrary and illegal acts of administrative officers but not against curtailment of his property rights by laws enacted in the public interest after due consideration by the Diet, the cabinet, and the Emperor. It cannot be invoked to nullify labor legislation or to escape rate regulation as the due-process clause has so frequently been employed before the American courts.

Japan has thus been psychologically and socially prepared for economic control, has been impelled toward it by political and economic pressure, and has had a constitution permitting it. Nevertheless, until a few years ago the desires of her businessmen and a widespread respect for classical economic liberalism led her to continue to allow very wide scope for individual initiative and free competition. Since the war, however, several factors of world-wide character have impelled her toward the greater economic control which her institutions permit. The two most important of these can be stated briefly.

1. Throughout the world there is increasing demand from all sides, including business, that governments do something about one or another economic situation. One need not go to Japan to discover some of the reasons for this:

there is a certain incongruity between universal conscription and economic laissez faire; the world war provided widespread practice in economic control and it seemed logical that methods used to defeat the enemy might also help to beat the depression; the primary and secondary post-war depressions were peculiarly severe and their causes were so distant from the local scene that rugged individualism seemed an inadequate solution; socialist theory and the example of the Soviet Union contributed to the same dissatisfaction with laissez faire.

Imports succumbed to regulation first because on questions of foreign trade one of the interested parties had no voice in national elections. Thus tariffs mounted and were supplemented by quotas and embargoes. Since these were applied primarily against manufactured articles, they affected most seriously those nations poor in raw materials and in controlled markets and contributed to their currency difficulties caused by abnormal post-war financing. Exchange restrictions and barter agreements became the only alternatives to uncontrolled inflation but interfered further with free private movement of goods. Protectionism also conspired the adoption of extraordinary promotional measures by exporting nations. Controls multiplied.

The depression of the past decade brought with it demands for government steps in the interest of economic recovery and stability, or, as the Japanese phrase runs, stabilization of the national livelihood. Control and regulation thus turned inward, as was inevitable in any case, for control of foreign trade could scarcely help but lead to control of production at home.

At the same time demands for social legislation -- better working conditions, minimum wages, maximum hours, unemployment insurance, old age insurance -- created additional, almost irresistible pressure for further governmental regulation and control of all phases of economic life.

2. The world war had a second major consequence: it underlined in unforgettable fashion the increasing importance of economic and psychological factors in war. Germany's long resistance was made possible by the genius of

her scientists and by the amazing organization of her industry. Her defeat was economic rather than military in any narrow sense. The World War made mineral surveys, chemical laboratories, and factories the daily preoccupation of general staffs in all countries. Mobilization plans in each major country have come to include schedules for the integration of the whole productive machinery of the nation. Where essential minerals or manufactured products are inadequate, substitute materials are sought or new industries promoted. Even the wealthiest nations have added some measures of economic control to their national defense preparations.

Control of opinion has similarly gained in importance because of World War experience. The effective Allied propaganda campaign and its role in hastening the German collapse has, like economic mobilization, been studied by all general staffs. It is obvious that with military power dependent on the total mobilization of the productive forces of the country, much depends on public morale. Realization of this fact leads not only to military support for reform measures tending to minimize social discontent but also to serious concern over the development in peace as well as in war of currents of thought which weaken national unity. These characteristics of modern war, which were effectively demonstrated from 1914 to 1918, have forced every nation toward a greater measure of direction of both the economic activities and the actions and thoughts of its citizens.

These trends toward broader governmental activity are international in character. They can be traced in every country which has a modern national defense organization and anything more than a rudimentary industrial system. They know no ideological boundaries although their manifestation varies with the economic, social, intellectual, and legal resources of individual countries.

The first purpose of this study is to show how these various trends have developed in Japan during the last few years under the special conditions of that country. It will then be possible to describe reforms and proposed reforms in the political and administrative machinery of the country in proper

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relation to the new and complex functions of government which have impelled them. Only when this has been done can we view Japan's internal development with some degree of perspective both as to its relations to developments in other parts of the world and as to its connection, either as cause or effect, with Japanese expansion on the continent of Asia.

Obviously such a broad field can be covered only in outline. No attempt is made to analyze individual statutes or reforms in detail or to assess their exact economic results, nor is any judgment attempted or implied as to the morality or legality of Japanese actions on the continent of Asia.

Excerpt from "Government in Japan" by Fahs.
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緒言

國民の生活の上に表面現はれてゐて、これ迄西洋の觀察者の注意を頻繁に惹きつけて來た、或る相違點があるに拘らず日本の過去七十年間の政治的發展は西洋諸國の踏んだ途を、それずに辿つて來てゐる。是は、他國と同様日本でも、政府が、個人の活動を、一層普遍的に取締らうと、怠らず進んで來てゐる事を物語つてゐるのである。この傾向たるや、何處で政治その物と同じ位舊いものであるが、前世紀の中葉に及んでは警察、衛生、水道、街頭點燈及び勞働立法の基礎的原理の如き内政機構の擴張を新しく固執する事に、現はれた。この作用は、世界戦争中に大ひに促進されて、今日政府の仕事や新職掌や新規問題が倍加して來て、各國が新時態に對應する爲めの政治上の改組案を直剣に考慮する必要に迫られてゐる迄、ずっと表へず續いて來てゐる。日本はこの舊い列中の新段階が丁度始まり切つた時、世界家族の一頁になつた。早速と云つてもよい位直へに仲間に加はつた。日本の新政府は檢疫並びに衛生法を實施し、自治法を制定し、特許權を許し、監察官を任命した。

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中には、他國と違ひ、毎年の清算を警察で巡視する如き日本獨特の制度が出来たが、概して西洋諸國の革新に追隨し過ぎるといつてよい位追隨したのである。幸ひにして日本の政治家は賢明にして、一人の先生ばかりに諮らなかつた。又能く識別して、政治上の方策を、或は米國から擇んだものもあり、英國、佛國、瑞西、和蘭から擇んだものもあり又獨逸から採つたものもあつた。結局綜合してみると或る固有の制度が保存されて、より折衷を試みないで出来上つたものよりも、新條件下の日本の諸問題にはよく適合したのである。

後年に至り、政府の取締り及び産業は日本では西洋諸國と能く似た同じ方向に進んで行つた。但し如何なる國も經歷や發展が同一であるものではない。日本では數多の條件が發展の支脈に亘つては形を變へて來た。これ等の内で最重要なるものを略説するならば比較的近代の事件も明瞭となるであらう。

日本人は經濟的取締りを正當なる計ひとして認め政府の義務としてまで認めて來た。徳川幕府は江戸及び大阪で或時は建設的に又或時は無益な奢侈禁止令に依つて商賈を取締つたりした。幕府は又廣汎な公共事業を企てた。埋立工事や河川工事を遂行し特殊産業を振興した地方の大名は最も尊嚴をうけた

(註一) 徳川幕府の經濟政策の英文記事は、竹越興三郎著、經濟上より見たる日本文明史第二卷及び第三卷一九三〇年福音出版及び平庄榮治郎著、日本の社會及び經濟史一九三五年東京出版に出てゐる。
日本がもう少し早く國際場裡に現はれて居つたならば此等の習慣は西洋

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の自由經濟の力を以て壓止されて居つたであらう。然し一八七〇年代の大陸の經濟思想家の中には社會主義者でも國家主義者でも、既に政府の取締り及び産業の所有をすら促して居つたのである。それで西洋を眞似た日本は政府による經濟上の輔導を止めなければならぬと感ずるに至らなかつたのである。

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日本商人は自己防衛と幕府官吏の示唆により發達した、組合組織（株仲間）により協同組織及自己規正に慣れていた、株仲間の権力は既に維新前に亡びて了つたが、る組織の有要さは忘れられず一八八〇年代に法定の制限と新しい組合という名前の下に職業的協會の組織を許可する法律に於て再び認められた、組合はその故に於ても實力に於ても着實に發展した、法的指導と自己統制との兩者を賢明に適用する試練を経たる方便として、組合は他國に發生した政府と實業界との間の苛烈さを或る程度未然に防いだ例えはシャーマンの反トラスト法によつてアメリカ産業協會に課せられた抑制の如きは日本に於ては適應せず又正當ではなからう

日本が陥入つた政治的經濟的窮境は後年に對し前例を示した産業發展に對する早期の、厚次の且つ廣汎な政府の指導を誘致した、日本は支那が再度歐洲強國により攻壓を受け敗れるのを見てゐた。而して同様の運命の脅威を支那をして感ぜしめるに足る多くの陰謀があつた、日本により兵

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器廠、製鐵場及造船場の必要は明かに火急を要し個人的發意による緩慢な
 發展を待つていられたかつた、政府は自らこれ等を建設した、電信は軍
 上重要と認められ佛蘭西及他の大國諸國と同様これを政府の專有とした、
 政府は始めより鐵道建設の主導者となつた、これは後に支那に於て見たよ
 うな外國投資の政治的濫用を避けるよう賢明に計畫された政策であつた、
 然し非軍事方面に於ける一般經濟力も同様重要であつた、そして日本の
 小規模の手藝工業は歐洲及アメリカの機械製の所産による競争に勝ち目が
 なかつた、早期の條約に於ける爲替條約は日本の硬貨の缺乏を招來したと
 同時に一方的條約による關稅に對する制限は新興産業の間接的助長を妨げ
 た、直接獎勵という唯一の別法を採用して政府は模範的工場を建設し外國
 人技師を雇ひ強制觀察を行い質の改良を謀つた、そして瀕渴せる財政が許
 す限度内で補助金を下附した、この藥は患者に效き目があつた、そして其
 後必要に應じ何時でもこの藥は處方された、
 副産物としては近似の事實トラスンと巴促進であつた、その目的は對當

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條件で西歐と競争し得る經濟施設を建設するにあつた、弱蟲道のために使
費する時間も金もなかつたのだ、強力を商館は益々強力となるより補助
れたそして後年にはカルテルとトラストとは獎勵された、日本は食料國に
於けるリサイマン及クレイトン法の如き反トラスト法を認容出来なかつた
日本は大企業を迫害するよりは寧ろこれを利用することを選んだ

(註2) 明治初期の政府産業政策の最近の概括報告が一九四〇年ニュー
ヨークにて出版のE、P、R、研究叢書E、H、ノーマン氏の「日本の
近代國家としての出現」という書の第二章に出ている

四日本の憲法は弾力性に富む、その文句に於ても有効な經濟統制に對する制限を含まなかつた。第一に日本憲法は修正が非常に困難であるが非常に應用が效く、それは單に政府の機構の要點を概括的に示し、細い點は普通法に譲つてゐる。アメリカ憲法の第十二、十六、十七、十八、十九、二十、二十一修正の如きは日本に於ては不要であつた。所得稅酒類製造販賣禁止、或は婦人參政權に關する變更の如きは皆普通法又は勅令によつて採用されることゝが出来る。第二に憲法は日本を英國及佛蘭西の如く中央集權國家とする。舉國政府は絶對權力を持ち各府縣はその委任權力を持つのみである。かくして日本政府は合衆國に於て必要であつたよう⁸⁽³⁾な各州間の商業を統制するためさういふような逃口上を弄することなく直接に生産を調整することが出来る。法廷は天皇及議會が承認した法律を非立憲と宣言するが如きことを敢てしない。併し法廷がかく爲しても主要な國家經濟復興計畫はその適用が各州間の商業に制限されていらないから無効となる危険はない。

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第三に日本憲法は規則立案の權力を行政機關に委任することについて窮屈な制限を設けていない實際日本憲法は特に廣汎な勅令能力を認める。そして英國議會の如く日本議會は細かいことはこれを行政に携る當該技術家に立案の上、布告させてその制限ある時間と精力とは立法の主要なる概括に専ら振り向けるのが慣習となつてゐる。

最後に日本憲法は米國の正當處置法に近似した條例を含んでいる。この條例は元の英國流にその意義が解釋されている。それは行政官の勝手な不法な行爲に對し公民を保護するが、議會、内閣及天皇により相當考慮の後公益のため制定された法律により公民の所得權の削減に對して保護していない。それは正當處置法が米國法廷に於てかくも屢々使用されたように勞働法を廢止し又は賃銀調整を免れるために利用出來ない。

日本はかくて心理的にも社會的にも經濟統制に對して準備して來た政治的及經濟的壓力によりその方向に押しやられまたそれを許

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容する憲法を持つていた。併し數年前まで日本の實業家の希望は正統的經濟自由主義に對する一般的尊敬と個人的發意と自由競争とに對し甚だ廣大な範圍を引續き與えるよう日本を導いた。併し世界戰爭以來世界的性質の數々の要因は日本をその制限が許す限りより大なる經濟統制の方向に押し進めた。これらのうち二つの最も重要なものは簡單に述べることが出来る。一世界何れの處に於ても事業を営み各方面より各國政府はあれこれの經濟狀勢に對し何事か爲すよう要求する聲が益々高まりつつある。これに對する理由の二三を發見するためには何も日本に行くには及ばない。

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普遍的徵集制と經濟的放任主義との間には或る不合理性がある。世界戦争は經濟統制の廣汎な實施を要求した。敵を征服するに役立つた方はまた不景氣克服に役立つであらうといふことは論理的であるかも知れない。第一次第二次世界大戦後の不況は殊に深刻なもので、その原因は個々の部分的現象以上に深遠なものがあり個人主義の理論の如きも決して適切な解決を與えるものではない、社會主義的理論とソ聯邦の實例は經濟的放任主義に對して同様な不備を抱懷せしめた。輸入は第一、法規に壓倒された。如何となれば外國貿易の問題に關する限り關係當事者の一方は選舉に發言權を有たなかつたからである。斯の如く關税は騰り、割當てと船舶の抑留によつて補充された。これは先づ主として生産品に適用されたから、原料に乏しい且市場の統制された國家には最も深刻な影響を及ぼし、此等の國の戦後變態的金融による通貨困難に拍車をかける結果となつた。無制限インフレの結果として交換制限（外貨）かバーター協定を行ふか何づれか一つを選ばなければならなくなつたがこれは同時に自由な私企業の物資の移動に

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干渉する結果となつた。輸出國によつて極端な推進策を採用すること
を余儀なからしめた。かくして統制は倍加した。過去十年の不景氣は
政府をして經濟的回復及安定、即ち日本通用語でいつたらば、國民生
活安定のために政府の處置を要求するに至つた。統制と法規は斯くて
國內的となつた。これは事情止むを得ないことで、外國貿易の統制が
國產統制へ向はざるを得なかつたからである。

同時に社會的立法に對する要求、即ち作業狀態の改善、最低賃銀制、
最高勞働時間制の確立、失業保險、健康保險、養老保險の確立に關す
る要求は、國民の經濟生活の凡ての面に對し政府が更に一層強力なる
統制を實施すべしとする殆ど不可抗的ともいふべき壓力を生じしむるに
至つた。

二、世界戦争は第二の重大なる結果を齎らした。それは戦争
に於ける經濟的、心理的因子の増大する重要性を忘る可からざる形に
於て強調した。

辯護圖書證 五九八(三)

獨逸の敗北は狹義に言へば軍の敗北と言ふよりむしろ經濟上の敗北であつた。世界戦争は鐵物の生産、化學研究所、工場の事を各國に於て參謀部日日の關心事とした。各大國の動員計畫は其國の全生産機構を統合しそれに對し豫定計畫をも作る事をやるやうになつた。

必要なる鐵物又は製造産物が不充分である場合には代用材料が探し求められるか又は新しい産業が起される。最も豊富な國でさへ國家防衛の準備の爲め經濟統制の方策を加へ行つた意見の統制が同じやうに世界戦争經驗の爲に重要な問題となつた有効果を連合國の宣傳運動及び獨逸の崩潰を促進する爲めの任務が經濟動員のやうに總べての參謀部によつて考究された。其國の總動員生産力に依存する軍力が太に一般國民の士氣によつて左右される事は明白である。此事實の認識は社會の不滿を最小限度にする改正方策に對し軍の援助のみならず舉國一致を弱める思潮の戰時平時の發展に對する大なる憂慮に導く。大正三年から大正七年にか

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り實際的に示された近代戦の特性は各國の經濟活動及びその國民の感情思想の方向に甚だしく追ひ進めた。

廣範圍なる政治活動の趨勢は在在國際的である。此趨勢は近代的國防組織及び初步的産業組織以上のものを有する各國に於て見られる。此趨勢の現はれ方には各國の經濟上社會的智的及法的原因によつて差異はあるが其趨勢には觀念的限界と言ふものがない。

Dez. Doo 598 (3)

此研究の第一目的は、特殊の狀態下に於て最近數年間に日本に之等の傾向がどうして進展したかを示す爲めである。そうした時政治上の新しき複雑な機能に正しく關聯して日本の政治上及び行政上の機構的改正及び新計畫中の改正を説明する事が可能である。此事が爲された時はじめて我々は日本國內の發展と世界各地に於ける日本國發展の關係。と、原因と結果としてアジア大陸に於ける日本の進出との關係を相當正しい見方を以て觀察する事が出来る。

勿論此のやうな廣汎な分野はたゞ外郭が言へるだけである。各定則又は改正を悉細に分解し或は正確に經濟上の結果を見積る事は企て、居ない。又アジア大陸に於ける日本の行動の道德性及ひ合法性に關しても何の判斷も試みたり加へたりして居ない。

フアーズ著「日本の政府」抜萃（三頁―八頁）

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GOVERNMENT IN JAPAN
Recent Trends In Its Scope and Operation

By

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I. P. R. INQUIRY SERIES

International Secretariat
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5. SOCIAL WELFARE

Demands for new government activities concerned primarily with public welfare without specific connection with the promotion of one or another industry have been increasing in Japan during recent years. Their connection with national defense has already been suggested. They have also a close logical relationship to other control measures -- if laissez faire is to be abandoned in the business field, why not even more so in the field of personal and public welfare? Welfare legislation has been advocated in the United States under the slogan of the "New Deal" -- allegedly a re-definition under modern conditions of the principles of democracy on which the country was founded. The slogan is an effective one even if appeal to the constitutional fathers gives no concrete guidance as to the suitability of special legislation today. Japanese, by a similar process, advocate welfare legislation under the slogan of Kodo, or the Imperial Way, which is supposed to stand for the modern application of the old principle of Imperial concern for the

welfare of every subject no matter how humble. Kodo, too, is a seductive slogan even if, on analysis, the sayings of sage Emperors fail to give clear guidance as to whether one should vote for the Minseito or the Seiyukai.

Emergency relief for sufferers from natural calamities such as earthquakes, floods, and fires is an old story in Japan although such relief, whether through direct provision of necessities or through exemption from taxes, has been further regularized in recent years by new legislation. Through its control of the insurance business, the government has recently promoted insurance against flood, earthquake, and earthquake-fire losses and against damage to crops or small fishing vessels as measures of social welfare, providing subsidies and guarantees in cases where excessive risks would otherwise make insurance prohibitive or impossible.

From relief for earthquake sufferers it is but a step to aid for farmers impoverished by drought. The widespread suffering in the Tohoku area in 1931 and 1932 as a result of both drought and the fall of agricultural prices, for example, forced the government to appropriate considerable funds for direct relief. Next came relief for silk producers suffering from the American depression and the invention of rayon. That the causes were not natural but man-made was irrelevant. The unemployment problem in industry became severe at about the same time.

Although direct assistance and public works were resorted to, unemployment relief took a different general course in Japan than in the United States, partly because greater family solidarity and the more recent links between industrial workers and their relatives in rural regions cushioned the shock of unemployment, partly because Japan could not afford the tremendous American deficits for relief purposes, and partly because, since Japan's other recovery measures proved more effective than those of the United States, industrial expansion took up much of the slack. Economic recovery thus became the chief solution to unemployment, but it was supplemented by the encouragement of emigration, by legal provision for discharge allowances, ^{1/} and by a

^{1/} For a cogent criticism of the 1936 statute see Goto Kiyoshi, "Taishoku Tsunitatekin oyobi Taishoku Teate Ho" (The Withdrawal from Employment Reserves and Allowance Law), Nokka Gakkai Zasshi, L, 8, August 1936, pp. 1008-27.

national system of public employment bureaus. Special attention has been given to provision of work for discharged and wounded soldiers, their families, and the families of war dead. Since the war, of course, the problem has been primarily one of easing the transition from declining to expanding industries. Aside from this, there has been a shortage rather than a surplus of labor.

Labor legislation developed late in Japan. Its need was scarcely felt until after the Russo-Japanese war and, although the government took the initiative, it was difficult to convince the Diet and the business community of the desirability of factory regulations. The Factory Act (Kojo Ho) of 1911, which was not applied until five years later, provided a beginning. It was amended in 1923 to comply with some of the conventions of the International Labour Office and is supplemented by the Mining Act (Kogyo Ho), the Mariners Act (Sen-in Ho), and the Seamen's Minimum Age and Health Certificate Act (Sen-in Seitei Kenrei Ho).^{2/} The improvement of conditions, hours, and wages of labor is retarded by the low returns for labor on Japan's overcrowded farms and by the dependence of Japan's standards of living in general on the ability of her industries to compete in protected world markets. No trade union law has yet been enacted although unions are recognized de facto. Mediation for the settlement of labor disputes has been officially recognized since the Labor Disputes Conciliation Law (Rodo Sogi Chotei Ho) of 1926, and a considerable proportion of strikes are in practice settled by collective bargaining. Since the war, wages of skilled workmen, particularly in the metal trades, have risen rapidly. This has led to official control over employment and wages to prevent factories from competing for skilled workmen in a manner harmful to the mobilization program.^{3/} Similar measures were, of

^{2/} See International Labour Office, Industrial Labour in Japan (1933), pp. 135-48.

PURL: <http://www.legal-tools.org/doc/e8f50>

^{3/} For a survey of some recent labor policies see "Current Labour Measures," Tokyo Gazette, No. 24, June 1939, pp. 17-26. Also "Sustenance of Labour Power in Industries," ibid., III, 2, August 1939, pp. 16-22.

course, familiar in the East during the World War. Finally, in August 1939 a system of labor conscription was enforced under the General Mobilization Act to provide labor for necessary undertakings in Japan and on the continent. Conscripts are compelled to serve, but they receive wages at prevailing home rates rather than military allowances.^{4/}

Education has profited from the popularity of social welfare legislation. Part-time education in youth schools (seinen gakko) has been made compulsory for all males from twelve to nineteen years of age who are not in full-time classes or military service. Application of the same system to girls has been advocated, and extension of regular compulsory education by two years (from age twelve to fourteen) has been strongly urged by successive ministers of education. This change, not yet accomplished, would bring Japan's public system of education, which is already well above that of any other Asiatic country, approximately to the level maintained in England or in the less prosperous sections of the United States.

A number of low-cost housing projects have been carried out in recent years. The shortage of building materials because of war needs makes an extensive program difficult. While Japan perhaps falls behind the United States in such expensive matters as public education and housing, she is ahead in the operation since 1927 of public pawn shops,^{5/} since 1938 of a People's Bank (Shomin Kinko) for small loans at low cost to persons with small incomes,^{6/} and since 1916 of a system of low-cost life insurance through the post offices.^{7/}

^{4/} See "Calling Civilians to National Service," Tokyo Gazette, III, 3, September 1939, pp. 102-3.

^{5/} This is the date of the Public Pawn Shops Law (Koeki Shichiya Ho). The first such public pawn shop was established much earlier, in 1912 in Miyazaki prefecture. See Kusumi Issai, "Koeki Shichiya," Keizaijin Jiten, Vol. II, pp. 817-18.

^{6/} By the Shomin Kinko Ho, passed in March 1938.

^{7/} By the Post Office Life Insurance Law (Kani Seimei Hoken Ho). For recent developments along this line see "Improvements in the Post Office Life Annuity System," Tokyo Gazette, III, 3, September 1939, pp. 109-14.

The most spectacular development since the outbreak of the war in China has been the establishment of a separate Department of Public Welfare (Kosei-sho) with a minister of cabinet rank at its head. The Department was organized in January 1938 but had been advocated and planned well before the Lukuchiao incident. Its most important accomplishment has been the application of the National Health Insurance Law (Kokumin Kenko Hoken Ho) of 1938. Health insurance for persons employed in industries coming under the Factory or Mining Laws had been provided as early as 1922, but the 1938 statute made insurance more generally available and is of particular importance for the rural population.^{1/} A bill extending insurance to the salaried classes was adopted in March 1939 (Shokuin Kenko Hoken Ho).^{2/} In the matter of medical insurance Japan is behind some European nations but ahead of most of the American States. The Department of Public Welfare has also carried on a campaign for public health, particularly against tuberculosis and venereal diseases, has regulated the prices and qualities of various drugs, has aided in the establishment of playgrounds and gymnasiums, has administered most of the relief for wounded soldiers and the families of war dead, and has had a share in the regulation of the prices of consumers' goods.

In addition to those listed in this immediate connection, many of the measures described earlier under economic recovery or agricultural security should also be associated with the problem of social welfare because relief

^{1/} The provisions and operation of the National Health Insurance Law are discussed in "Health Insurance for Industrial Workers," Tokyo Gazette, No. 14, August 1938, pp. 9-14, and "The Work of the National Health Insurance Associations" ibid., No. 22, April 1939, pp. 41-3

PURL: <http://www.legal-tools.org/doc/e8f506/>

^{2/} See "Health Insurance for the Salaried Classes," Tokyo Gazette, No. 23, May 1939, pp. 20-4.

for a distressed group in the population was at least a subsidiary motive in their enactment. In a more general sense all of the measures of economic control so far discussed are involved, for social welfare legislation depends in the long run on the ability of the national economy to support the expenditures involved.

Excerpt from "Government in Japan" by Fahs.
Pages 53-57

五、社 會 福 利

最近數年間日本に於ては、個々の産業の振興と何ら特殊の關係なく公衆福利を第一義とする新しい政府の活動に對する要望が高まりつゝ、つた、其等の國防との關係も既に指摘されてゐた。それけまた他の國の國政變とも密接な關係的關係をもつてゐた。自由貿易が實業界に於て放棄さるべきものだとしたらそれは個人的及び公共的福利の分毫に於ても何かに一層強調されないのである。合衆國では厚生立法は「ニユー・デイル」の標語の下に建議されて來た。——明らかにそれは建物の基礎である民主主義の諸原則の近代的條件の下に於ける再定義である。この標語はたとひ憲法創生の父祖たちに對する慰へが、今日の特殊な立法の適應性如何についてなんら具體的な指導をあたへることがないとしても、依然として効果的なものである。

日本人も同様の進路に沿ふて、皇道もしくは「天皇のあり方」——貴族を問はずあらゆる臣民の福利に對する天皇の熱心を示す筈ながらの善原理を現代に適用したものと考へられてゐる——の標語の下に

公共福利の立法を主張するのである。皇道もまた、たとへこれを分析した場合、神聖なる天皇の御言葉が、臣民の民政黨もしくは政友黨に對する投票に必然とした指示をあたへ得ぬとしても依然として魅力ある標榜である。

地震、洪水、火災の如き自然的災害による罹災者の緊急救済は古來からの慣習となつてゐるが最近の数年間には必需品の官給給與または免給等によつて新立法が更に秩序化されてきている。

政府はまた最近保険業の統制によつて洪水、地震、地震に伴ふ火災の被害、農産物もしくは小型漁業用船舶の損害等に對する保険を社會福利の政策として増進し、過度の危険負担によつて保険が禁止せられたり不可能になつたりする場合に補助金や保費金を供與することにしたのである。

旱害によつて窮乏化した農民に對する扶助は、罹災者の救済に次ぐ當然の對策である。例へば旱害及び農産物價格の下落によつて齎らされた一九三一年及び一九三二年における東北地方の廣範圍にわたる災害

には、政府も直接救済のために相當額の基金を充當せざるを得なかつた。次いで行はれたのはアメリカの不況と人絹の暴落によつて損害を受けた生絲生産者に對する救済であつた。

かゝる弊害は原因が自然のものでなく人為的のものであつた場合にも同様適用された。産業界に失業問題が深刻になつてきたのは丁度これと同じ事であつた。

このためには直接的扶助と公共事業により救済目的の達成に當つたのであるが、元來日本では失業救済も北米合衆國とは相違した一般的方向をとつてゐた。その一つの理由としては大家族連帶主義と、更に近年の現象として工場労働者と親戚とか地方農村で固く結合してゐることとが、失業の衝撃を緩和してゐること、また他の理由として日本は救済目的に資すべくアメリカに於けるが如き巨額の負債を埋めることができなかったこと、更に他の一つの理由としては、日本の他の復興政策が合衆國のそれよりも効果的であつたために産業上の弊害に何ら遲滞を生じなかつたためである。

かくて經濟的復興が失業の主要な解決策となつたのであるが、更にこれを補足したものは移民の奨励、退職手當の法制化、全國的な公設職業紹介所の制度であつた。(註一)

(1) 一九三六年の法令に関する有力な批評としては、後藤清が「退職立金及び退職手當法」(國家學會雜誌第五十卷第八號昭和十一年八月、發行、第一〇〇八一―二七頁)を参照されたい。

露軍傷病兵並に夫等の家族や、戦死者遺家族の就職斡旋に關し特別の注意が拂はれた。戦争以後勿論此間題は根本的に衰微して行く工業から發展して行く工業への過渡期を緩和するものの一つであつた。これ以外にも亦勞働力は過剰と言ふよりは不足であつた。

勞働立法は日本では最近幾遠したものである。勞働立法の必要は日露戦争以後迄は殆ど感じられなかつた。この點に關し政府は率先して指導的役割を演じたが議會や實業界に工業規定の必要を納服させることは困難であつた。明治四十四年に出来た工場法が抑々最初であつたが此法令は五年後迄適用されなかつた。大正十二年、國際勞働局の或種の協約に應ずる爲此法令は修正された。さうしてこれは鑛業法、船員法、船員最低年齡法により補足されてゐる。勞働條件、時間、資金等の改善は日本に於ては人口過剰の農村勞働に對する低廉なる報酬及保護された世界市場で競争する爲その生活水準が一般に生産能力に依存してゐる爲に阻止されてゐる。勞働組合は事實認められてゐるが勞働組合法と言ふものは未だ制定されたことがない。(昭和元年)に勞働爭議調停法が制定されて

以來、勞争解決の制度は公式に定められた。さうして非常に多くの事業が、實際上外國交渉によつて解決されてゐる。戦争以來、熱心勞働者、特に金庫等に於ける熱心勞働者の賃金が急激に上昇した。この爲、勤員計には有害な工場の熱心勞働者引換競争を以て目的として雇用並に賃金の公式適用が實現されたのである。

註(四) 國際労働局「日本に於ける産業競争」(一九三三年) 自一
至一四八頁 参照

註(五) 最近の勞働政策調査の爲には「東京ガゼット」第二十四
號一九三九年六月號自一七頁「現代勞働法策」及同第三
卷二號、一九三九年八月號自一六頁至二十二頁「産業ニ
於ける勞働力ノ保持」を参照のこと。

辯護證書五九八(四)

勿論、これと同様の措置が第一次世界大戦中に歐米において廣く採用された。最後に一九三九年(昭和十四年)八月、日本および大陸の緊要諸企業に勞働を供給する目的をもつて、總動員法に依り勞働徵用制度が實施せられた。被徵用者は徵用勞働に就くことを強いられたが、その賃金は、軍手當というよりむしろ、普通の國內賃金率によるものでつた。

(註四)

(註四) 『國家奉仕への一般民間人徵用』

参照(『東京ガゼット』第三卷第三號一九三九年(昭和十四年)九月號、第一〇二一〇八頁)。

社會厚生立法の制定が好評を博した事は教育の利する所となつた。青年學校の短時間教育が義務制となつて、十二歳以上十九歳までの男子のうち、成規の學生および兵役に服する者以外のすべての者に對してこれが適用された。歴代文部大臣は、女子に對しても同一制度を適用せよという意見を支持して居り、普通義務教育の二箇年延長(十二歳から十四歳

への一を強固に主張してゐる。右の如き變化は、未だ完成の域に達してゐないが、にも拘らず現在既に他のアジア諸國の水準を抜いてゐる、従つてこれは日本の公立教育制度を、殆んどイギリスの水準又は米國內の左程臻榮してゐない地方の水準にまで達せしめることであらう。

近年、多數の低廉住宅建築計畫が實行に移されて來た。軍需による建築資材不足のため大規模な計畫を樹てることは困難である。公立教育制度および住宅建築の如き大規模の事業においては、恐らく日本は米國に比して遅れてゐるであらうが、次の如き運用においては進んでゐる。即ち、一九二七年（昭和二年）以來の公設質屋（註五）、一九三八年（昭和十三年）以來の、少額所得者のために低利で少額金融を行なう庶民金庫（註六）、および一九一六年（大正五年）以來の、郵便局を通じての低廉生命保險制度（註七）、これである。

（註五）これは公設質屋法施行年度である。日本最初のこの種公設質屋はより以前に、一九一二年（明治四十五年又は大正元年）に宮崎縣に創設された。楠見一誠『公設質屋』（經濟學辭典、第二卷、第八一七―八一八

頁) 参照

(註六) 一九三八年(昭和十三年)三月に議會を通過した庶民金庫法による。

(註七) 簡易生命保險法による。この方面に於ける最近の發展については、『郵便年金制度の改正』(『東京ガゼット』第三卷第三號一九三九年九月、第一〇九—一一四頁) 参照。

對支戰爭勃發以後の最も目覺ましい發展は、大臣級の人物をその長とする獨立した一省、厚生省の創設であつた。同省は一九三八年(昭和十三年)一月に創立せられたのであるが、蘆溝橋事件よりずっと以前にすでにその設置が唱導され計畫されていたのである。厚生省の業績中最も重要なものは一九三八年(昭和十三年)の國民健康保險法の適用であつた。工場法および職業法の適用を受ける産業の従業員に對する健康保險は早くも一九二二年(大正十一年)に規定されたが、一九三八年の右法令は保額利用範圍を一層普遍的ならしめたものであり、農村在住者にとつて特に重要なものである。

(註八) 一九三九年(昭和十四年)三月には俸給生活者層にも保険範圍を擴張する一法案が可決された(職員健康保険法)

(註九) 健康保険の事項に関しては日本は若干のヨーロッパ諸國に比して遅れてゐるが、大部分の米國諸國よりも進んでゐる。厚生省もまた公衆衛生のための運動、特に結核および性病に對する運動を實行し、各種薬品の價格品質に統制を加へ、運動競技場および体育館の設置を援助し、憲兵軍人および戦死者遺家族の救済事業の大部分を管理し、且つ消費物品の價格統制を分擔した。

(註八) 國民健康保険法の諸規定および實施についての論議は次の記事に見られる。「産業労働者のための健康保険」(「東京ガゼット」第十四號、一九三八年(昭和十三年)八月、第九一十四頁)および「國民健康保険組合の事業」(同誌、第二十二號、一九三九年(昭和十四年)四月、第四一―四三頁)。

(註九) 「俸給生活者層のための健康保険」(「東京ガゼット」第二十三號、一九三九年(昭和十四年)五月、第二〇―二四頁)参照。

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以上本章と直接關聯を有するが故に列舉した諸政策の他にも、經濟復興又は農業保護の章下において前に述べた多くの諸政策もまた、社會厚生問題と關聯せしめられねばならない。何となれば國民中の困窮者層の救済は少くともこれらの諸政策實施の附隨的動機をなしてゐたからである。より一般的な意味においては、既に論議された經濟統制方策の全部が關係を有する。蓋し、社會厚生立法の制定なるものは、結局、關係經費を補助すべき國民經濟能力の如何に依るからである。

(フアース著『日本政治論』の抜萃、第五三一五七頁)

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GOVERNMENT IN JAPAN
Recent Trends In Its Scope and Operation

By
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I. P. R. INQUIRY SERIES

International Secretariat
INSTITUTE OF PACIFIC RELATIONS

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6. FINANCE

Growth in the functions of government is impossible without an increase in personnel and expenditure, and this in turn brings greater governmental influence over the national monetary and financial system. While the number of state employees has grown in Japan, the expansion has not been so marked as, for example, in the United States under the New Deal, perhaps in part because of the effective use of private agencies in the application of new policies.^{1/} A considerable increase in the civil budget has been required, however, by the increased staff, relief expenditures, and local grants in aid.

In addition, military expenditures were rapidly increased after the Manchurian incident and again, of course, after Lukouchiao. The total national

PURL: <http://www.legal-tools.org/doc/e8f506/>

^{1/} The number of civil government employees (bunjin) rose from 123,792 in 1928 to 159,877 in 1937, and their total pay increased from ¥ 156,462,037 to ¥ 190,788,126 in the same period, according to the Dai Nippon Teikoku Tokai Nenken (Statistical Yearbook of the Japanese Empire) for 1938, p. 434.

budget just prior to the World War was in the neighborhood of 600 million yen; in the post-war decade it amounted to about 1,500 million yen; it grew to 4,300 million yen in 1936 and to nearly 9,000 million in 1939. This is a striking and, to some observers, an alarming increase. It is not, however, unique. The budget of the United States has climbed from 735 million dollars in 1914 to 4,000 million in 1931 and to about 10,000 million in 1939. This comparison reflects the same rate of increase, yet it neglects the tremendous budgets of the World War years which might more properly be compared with Japan's present war financing. The comparison is, of course, superficial, for it disregards such questions as national income and changing price levels. It suggests, however, that Japanese and American budgets are making the same steep climb.

Comparison of military expenditures alone gives a somewhat, but not strikingly, different result. Japan's peace-time military budget has increased at about the same rate of speed as that of the United States, Japan spending about as much in yen annually as the United States spends in dollars. At the present time, however, Japan is allocating about four to five billion yen per year to special war accounts. This increase is greater than that in the United States in 1939, since the latter is still at peace, but it is much smaller than the expansion which took place in the American war budget in the peak year of 1919 (approximately eleven billion dollars).

Since 1930 expanding military and civil expenditures have been only partly covered by increased tax receipts. The continuing deficits have been met by issuance of government bonds on the theory that while increased taxes might check recovery, prosperous business conditions will eventually make possible a natural increase in revenues.^{2/} The public PURL: <http://www.legatools.org/doc/e8f506/>

^{2/} Statements of Japanese ministers of finance in defense of this policy are strikingly similar to those of President Franklin D. Roosevelt.

risen rapidly: from ¥2,504,122,000 on March 31, 1914, and ¥2,579,946,000 in 1919, to ¥4,512,600,000 in 1930 and ¥17,344,852,000 in 1939. Since 1914 the American national debt has multiplied about thirty-seven times, that of Japan about seven times. Since 1930, however, the Japanese debt has quadrupled while that of the United States has merely tripled. Naturally many Japanese businessmen are concerned over the large deficits but, on the whole, the government still shows confidence in its ability to continue to finance the war. The treasury now markets "baby bonds" through the post-office network, but most of the issues are still disposed of through the large banks, principally the Bank of Japan.

Needless to say, the Japanese Government has given much attention to the problem of assuring the continued smooth absorption of national bonds without curtailing the capital supply necessary for the war-time program of increased production. The exchange control measures discussed above were one step in this direction. Related thereto has been the encouragement of gold and silver production and the mobilization of supplies of the precious metals. The purchase price for mined gold was raised on May 2, 1938, and on July 4, 1938, an ordinance was promulgated authorizing the purchase of gold coins for melting. In the winter of 1938-9 a national gold census was carried out, and this was extended to foreign residents in Japan the following summer. The 74th Diet authorized the creation of the Japan Gold Production Encouragement Corporation to foster gold mining still further.^{2/}

Legal authorization for control of investments was provided in the Emergency Capital Adjustment Law (Rinji Shikin Chosai Ho) of September 1937. This law permits the government to require reports from private business on the supply and movement of capital, on matters relating to securities or international receipts and payments, and on capitalization plans. It prohibits the

^{2/} By the Japan Gold Production Encouragement Corporation Law (Nippon Sankin Shinko Kabushiki Kaisha Ho).

increase of capital or the expansion of productive equipment except with official permission. It establishes an Emergency Capital Adjustment Commission (Pinji Shikin Chosai Iinkai) to advise the government on the application of the law (compare the Capital Issues Commission in the United States during the World War) and gives supervisory powers to the Bank of Japan. In addition, in the case of war industries the Emergency Capital Adjustment Law permits special exceptions to the limitations on stock and bond issues contained in the general corporation laws, while giving additional powers of governmental control over companies which take advantage of these exceptions. The regulations for the enforcement of this law have, of course, been changed from time to time as new problems have arisen. As in the case of foreign exchange restrictions, its first application tended seriously to hamper export industries, but subsequent modifications, made under the leadership of Ikeda Seiichi, have to some extent overcome this adverse effect.

Taxation has been increased by a number of new statutes, most of them of recent date. Postal rates and tobacco monopoly prices were increased in November 1936. An excess profits tax levied on incomes benefiting from the post-1931 boom had been enacted earlier. The Temporary Tax Increase Law (Pinji Sezei Zochu Ho) of 1937 increased the rate of this excess profits tax and of the income tax, inheritance tax, capital interest tax, corporation income tax, mining products tax, sake tax, sugar consumption tax, and exchange tax.^{4/} The North China Affair Special Tax Law (Hoku-Shi Jiken Tokubetsu-zai Ho) of August 1937 further increased the rates on incomes, excess profits, and dividends, and added special commodity taxes on a few luxury articles and a tax on the interest derived from public bonds and debentures.^{5/} The National Persons Capital Tax Law (Hejin Shihon-zai Ho) of 1937 levied a tax of one per

^{4/} In English translation of the text is given in Sebald, op. cit., pp. 75-84.

^{5/} English translation, ibid., pp. 85-102. Japanese summary in Tokyo Asahi, August 3, 1937, p. 43.

mills on corporate capital.^{6/} The taxation of unearned incomes was further equalized by the Foreign Currency Bonds Special Tax Law (Gaikasai Tokubetsu-zei Ho), and a Negotiable Securities Transfer Tax Law (Yuka Shoken Iten-zei Ho) was applied at the same time.^{7/} Since 1937 the major changes have been in the direction of increases in the rates of these taxes already mentioned. None of these measures is a Japanese invention. It is worth noting, however, that they are calculated to place the burden of taxation on the groups best able to pay. The sales tax, which falls heavily on low-income groups, has been avoided. Some local taxes have been reduced and the government has increased its local grants in aid. In the past the complaint has been made that the Japanese tax system unduly burdened the rural population in comparison to urban business. Whatever the justice of this charge, it is probable that since the war the relative burden on the farmer has been reduced. Whether that burden has been reduced absolutely as well cannot be determined without complicated and highly controversial adjustments for price changes of both farm and industrial commodities.^{8/} Japanese tax increases are probably still inadequate, but so far there is no evidence available to show that they have not been applied at least as intelligently and with as much concern for equitable distribution of their burden as have tax increases during the last decade in the United States. The spiral of increased economic control, increased administrative costs, aggravated financial problems, and increased economic control continues upward in both countries.

^{6/} English translation in Sebald, op. cit., pp. 103-9. PURL: <http://www.legal-tools.org/doc/e8f506/>

^{7/} Both translated, ibid., pp. 111-26.

^{8/} Shionji Seburo, "The Incidence of Taxation upon the Rural Population under War Conditions," Kyoto University Economic Review, XIV, 2, April 1939, pp. 24-32. See also a table showing changes in direct and indirect taxes printed in Trans-Pacific, May 18, 1939, p. 19, from the Michi Nichi Economist.

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Def Doc No 598 (5)

東洋學助教授チャールス・ビー・ファース著

日本に於ける政府

其の範圍と施政上の最近の傾向

太平洋關係研究所探覽叢書

太平洋關係研究所國際事務局

一九四〇年（昭和十五年）

紐育市東五十二街一二九出版社

六 財政 政
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政府機能の發達は人員と經費の増加なくしてはあり得ない。そしてこれが
總て國家の金融。財政の上に政府の力が大きく及ぶこととなる。日本
では多數の官吏が殖へたが、その膨張は、悉らく新政策の適用に民間機關
を巧みに使用したことがその一因であらうが、例へば新規蒔直し政策下の
ニューディール



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合衆國に於けるが如く著しくはなかつた。(註一)
然し乍ら吏員、救済費、地方補助金の増加に依つて文政國家豫算は非常な増額を要したのである。

(註一) 昭和十三年「大日本帝國統計年鑑」四百三十四頁によると文官の数は昭和三年十二万八千七百九十二人より昭和十二年十五万九千八百七十七人にその俸給は同期間一億五千六百四十六万二千三十七圓より一億九千七十八万八千二百二十六圓になつてゐる。

之に加ふるに軍事費は滿洲事變後更に勿論蘆溝橋事件後急激に増加した。世界大戰直前の國家豫算総額は六億圓前後であつたが、戦後時代には約十五億圓となり、昭和十一年には更に四十三億圓、昭和十四年には九十億圓に達するに至つた。これは著しい又或る觀測者にとっては驚くべき増加である。然しこれは別に珍らしいことではない。合衆國の豫算は大正三年の七倍三千五百万弗から昭和六年四十億弗に、昭和十四年百億弗に上昇して居る。此の兩者の比較は同率の増加を示して居るが、もつと適切に日本の現戰時財政に匹敵すべき世界大戰時代の歴大豫算を見逃して居る。

勿論その比較といふものは皮相的なものである、何故かと云へば國庫收入とか物價水準の變動とかいふ様な問題を除外して居るからである。然しこれは日米豫算が同じ様に途方もない上昇を爲しつゝあることを示唆して居る。

軍事費支の豫算を較べてみると著しくはないが明か違つた結果を示す。日本の平時軍事費豫算は合衆國のものと略同じ速度で増加して居り、日本は合衆國が弗を使ふのと略々同じ位の圓を費消して居る。尤も現在は日本は一年につき約四、五十億圓を特別戰費（臨時軍事費）に當てて居る。

此の増加額は昭和十四年合衆國に於る増加額より大きい、それは合衆國が未だその時平和状態であつたからであるが、戦争の峠であつた大正八年、膨大したアメリカの戰費よりは遙かに少い（大凡百十億弗）

昭和五年以來、増大する軍事費と一般經費とは僅かにその一部を増稅收入とによつて償はれて居つた。打ち續く缺損は、増稅は回復を阻害するが、經濟界好況は期せずして國庫收入の自然増加可能なりとの見解の下に國債の發行に依つて均衡を合はされて居つた。（註二）

其の結果公債は急激に増加して大正三年三月三十一日の二十五億八千四百十二万二千圓、大正八年の二十五億七千九百九十四万六千圓から昭和五年四十五億一千二百六十万八千圓昭和十四年百七十三億四千四百八十五万二千圓になつた。合衆國の國債は大正三年以來、日本の約七倍の約三十七倍に増大して居つた。然し昭和五年からは合衆國が僅に三倍になつたに引きかへ日本の公債は四倍になつた。日本實業家の多數は自然多額の損失に悩んで居るのであるが、政府は今なほ戦争を賄ひ續ける能力があるものと信じて居る。大藏省は今郵便局網を通じて「小型公債」を賣り出して居るが大部分は大銀行、主として日本銀行を通じて處分せられてゐる。

(註二) 此の方針を辯護せる日本の大藏大臣達の言説はフラングリン・デュー・ローズベルト大統領の所説に酷似して居る。

云ふ迄もなく、日本政府は戦時増産計畫に必要な主要物資を切詰めずに引き續き國際の圓滑消化を確保するといふ問題に多大の注意を拂つて居つた。茲に論じた爲替管理は此の方針に對する一策であつた。これに關聯したものは金銀の産出振興と貴金屬の供出動員であつた。産金買上價格は昭和十

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三年五月二日と同年七月四日とに引上げられ、溶解の爲の金貨買上を許す法令が発令せられた。昭和十三、四年の冬には国内の金調査が行はれ、此調査は更に翌年の夏、在留外人にまで及ぼされた。第七十四議會は更に産金を奨励する爲め日本産金振興株式會社の創立を認可した。(註三)

Dof, Dec, NO598(5)

(註三) 日本産金振興株式會社法による。

投資統制の公認は昭和十二年九月の臨時資金調整法に依つて與へられた此の法律は政府に民間事業から資本の投下及移動、證券又は國際收支に關する事項及資本化計畫に關する報告を求むることを許すものである。同法は公許ある場合の外増資又は生産設備の擴張を禁ずる。同法は又同法の適用如何を政府に知らせる爲め臨時資金調整委員會を設け(世界大戰中の合衆國資金發行委員會を比較せよ)又日本銀行に監督權を與へて居る。加之、戰時産業の場合には臨時資金調整法は常に一般會社法に據る株式及社債發行限度に際外例を認め一方此の際外例を利用する會社には更に別個の政府管理權を與へて居る。勿論本法の施行規則は新らしい問題の起る度に時々變つて來て居る。外國爲替取締の場合に於るが如く本規則を適用し始めた頃は非常に輸出産業を阻害する傾向があつたが、池田成彬主唱の下に其後幾度か改訂してからは取るに度迄此の不利を克服して居る。

Dof, Doc, NO598(5)

租税は多数の新法によつて増税して居る、その大半は最近のものである。郵税及烟草專賣價格は昭和十一年十一月値上になつた。昭和六年後の好景氣により利得した収入に課せられる餘利利得然は早くから制定せられて居る。昭和十二年の臨時租税増徴法は此の超過利得税の税率並に所得税、相續税、資本利子税、法人所得税、礦業税、酒税、砂糖消費税、取引税の税率を引上げた（註四）。昭和十二年八月の北支事件特別税法は更に所得税、超過利得税、配當税の税率を引上げ、且少數の奢侈品に特別商品税を、又公債や社債から受ける金利に對する税を加へた。（註五）昭和十二年の法人資本税法は法人資本金百万圓毎に税金を課した（註六）不勞所得税は外貨債特別税法に依つて更に均等化され、又有價證券移轉税法は同時に適用せられた（註七）。昭和十二年來、主な變更は既に述べたこれ等諸税の税率引上の方面にあつた。こゝにいふやり方は別段一として日本の發明したものであつた譯ではない。が諸税を或もよく支拂ひ得る集團に置いた課税策といふものは法目に値する。低収入者に課しく響く販賣税は除いてある。或る種の地方税は引き下げその代り政府は地

Dof, Doe, NO598(5)

方補助金を増額して居る。過去に於ては日本の租税制度は都市實業家に比して地方人口に不當に重誅して居るとの不平があつた。此の非難の當否は何れであるにしても戦争以來地方民の體税は輕減せられて居るものと思はれる。擔税が絶対に輕減せられたかどうかといふことも亦農産品と工業製品との物價の變動を調節するのは面倒なそして色々議論のあるところで、これなくしてはきめられないところである(註八)。日本の増税は恐らくなほ不充分なものであらう、が少くとも合衆國に於て最近十年間に増税を課するに當り示した様に、賢明に且つ擔税の公平に深き關心を以て通用を圖らなかつたといふことを示す證據はない。進へて來た經濟統制の匠線は兩國に於て經營費を増加し、財政問題を惡化し且つ經濟統制を不斷上昇せしむる度を増した。

(註四) 原文の英譯はシーボルドによる、同著七五―八四頁より。

(註五) 同英譯は八五―一〇二頁より。昭和十二年八月三日付東京朝日日本文一覽表四三頁より。

Dof, Doo, N0598(5)

(註六) 英譯はシーボルトによる。同著一〇三―九頁より。

(註七) 共に同一一―二六頁より翻譯。

(註八) 昭和十四年四月二日付京都大學經濟研究第十四號二四―三二頁
 豐見三郎「戦争下に於ける農民に對する課税増加」より。同時に「日々
 エコノミスト」より。昭和十四年五月十八日付「トランスパンフィック」
 十九頁に轉載せる租税直接間接變動表參照のこと

フアス著「日本に於ける政府」五七―六一頁より抜萃

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Defense Document 598 (9)

GOVERNMENT IN JAPAN

Recent Trends In Its Scope and Operation

By

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I. T. R. INQUIRY SERIES

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3. EDUCATION, INFORMATION, AND PROPAGANDA

Modern theories of rational defense emphasize morale and, consequently, the state's concern with education and information. There are, however, other reasons why such concern inevitably accompanies increasing governmental control of business. For example, the individual feels the pressure of his government more than ever before and blames it for each of these economic maladjustments which formerly were attributed to fate or the relentless wheel of economic law. At the same time the complexities and technicalities of modern economic legislation make comprehension and legislative participation by the individual increasingly difficult. Nevertheless, the understanding and co-operation of the individual is more necessary than ever before, because the more intimately national legislation touches everyday life the less effective rigid enforcement of meticulously drafted terminology becomes; more and more depends on flexible application by semi-voluntary agencies in every hamlet, war, or valley. The individual directly

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and the state indirectly have therefore become more vulnerable than ever before to ideologies which plausibly attack the established order, whatever it may be. Under such circumstances education of the people about their government and its functions and about their relations to it is certainly legitimate. At least, each nation has acted on that assumption. Yet the distinction between education and propaganda is a vague and subjective one at best. What sort of a balance between the two has Japan achieved?

The educational system proper has probably improved during the last decade. Preparations have been made for an extension of the term of compulsory education by two years, to the age of fourteen. Many new vocational schools and two additional Imperial universities, Osaka and Nagoya, have been opened. The national government has increased its grants in aid to local education. Co-education has been introduced at Meiji and Waseda, two of the most important private universities.

Increased support has also meant increased control, however, and there have been a number of sensational incidents over the issue of academic freedom. The expulsion of the legal historian and criminologist Takikawa in March 1939 almost wrecked the Faculty of law at Kyoto Imperial University.^{1/} More recently serious dissension in the Faculty of Economics at Tokyo Imperial University has caused the expulsion of a number of professors. By far the most famous case, however, was that of Professor Emeritus Minobe, who was forced to resign from the House of Peers, narrowly escaped assassination, and was threatened with a criminal indictment because of views on the location of sovereignty which he had published with impunity, if not without criticism, some thirty years before. The same issue caused the resignation of the chief of the cabinet's Legislative Bureau and was related to that of the Lord Privy

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^{1/} See Noriiguchi Shigeji, "Academic Freedom and the Takikawa Case," Keizo, July 1933, translated in Contemporary Japan, II, 2, September 1933, pp. 327-30.

Saiki, Iki. It led to official statements by the premier and an official publication by the Department of Education on the true meaning of the national polity. Partly as a result of such incidents the Department of Education has recently reasserted its right to appoint the presidents and faculties of Imperial universities, powers until recently exercised by the faculties through university senates. So far, however, that control has been exercised with reserve, and the Imperial university faculties probably still enjoy an autonomy in administrative matters greater than that of their academic colleagues in most state universities in other countries.

The government has also extended its efforts at education through various organizations of a less official character such as the Reservists' Association already mentioned, the Seinendan, or Young Men's Associations, the local autonomy movement (chiho jichi undo), and the Central League for Election Purification (Sankyō Shukusei Chuo Rengai). Government publications have increased in volume although not as spectacularly as in the United States under the New Deal; among the most significant new series is the Shu-ho, or Weekly Bulletin, issued by the Cabinet Information Bureau. Most of the new publications do not call for comment, but a few, like the Department of Education volume on the True Meaning of the National Polity,^{2/} the various army and navy pamphlets, and the recent booklet on Japan's Diplomacy issued by the Department of Foreign Affairs,^{3/} are more nearly political propaganda in the generally accepted sense.

Control of "dangerous thoughts" has much the same meaning for Japanese that control of "un-American activities" has for citizens of the United States. The psychology is similar but the geography different. The geographical relation between the Soviet Union and Japan is similar to that between Canada and the United States, but the Asiatic frontier, unlike the

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^{2/} Tokutomi no Henshi, Tokyo, 1927

^{3/} Kimon no Gaiko.

American one, is heavily fortified, and the Russo-Japanese war is a century more recent than the war of 1812. As a result, fear of communism is much more intense in Japan than it is in the United States, and the communist party has been proscribed for some years.^{4/} Since 1927 there have been repeated police roundups of suspected reds, the latest of which occurred since the outbreak of hostilities in China. Concurrently there has been extensive censorship of leftist literature under the same Peace Preservation Law (Chian Iji Ho). This censorship has been directed primarily at publications of a popular and inflammatory nature; there has been no general proscription of scholarly works on social subjects, although the police and customs officers have frequently interpreted their duties very liberally.

Subversive activities under the cloak of patriotism have been more difficult to deal with, although they, too, threaten Japanese political stability. The perpetrators of the early assassinations in Japan, i.e., those of Premier Hamaguchi, Inoue Junnosuke, Baron Dan, and Premier Inukai, were treated with great leniency by the Department of Justice. They were given ample leniency by the Department of Justice. They were given ample opportunities to plead their cases before the courts and public opinion. In spite of admitted guilt, their sentences were remarkably light: in Japanese tradition patriotism is the weightiest of extenuating circumstances. Even the assassin of Major-General Nagata was allowed to preach at length from the defendant's box at his court-martial. In the meantime there had, however, been some attempt by the Departments of Home Affairs and of Justice to curb the spread of violence perpetrated under the cloak of patriotism. In 1935 thousands of patriotic gangsters were rounded up all over the country.

Onetokyo, a Shinto sect which had close connections with the Black Dragon Society, was suppressed in December 1935 on charges of lese majesty. In the

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^{4/} It is worth recalling that the communist party was proscribed in France in 1939 as soon as the Russo-German non-aggression agreement made the Soviet Union seem more of an enemy than a friend.

following spring another such act, Hito-no-nichi, was proscribed. The insurrection of February 26, 1936 demonstrated the seriousness of the situation and caused an abrupt stiffening in the official attitude. Trials were held in camera to check their use for propaganda purposes. The officers responsible for the assassinations were tried and quickly executed. Aizawa, the assassin of Nagata, who had been treated so leniently before, was retried in Secret and executed. Even the civilians who had helped to plan the insurrection, but had not participated in the assassinations, were sentenced and executed, including Kita Ikki, one of the best-known leaders among the secret societies. Since 1936 there has been little doubt of the intention of the government to deal with equal severity with subversive activities from whatever direction they may come. This does not mean, of course, that all patriotic societies should be disbanded. There are good and bad societies, and the Japanese Government, like the American, must show legal justification for arrests. In view of Japan's international position, the wording of the Peace Preservation Law, and the fact that a state of war exists, those who advocate the abolition of private property, pacifism, or the overthrow of the Emperor are bound to find themselves in more trouble than those who merely condemn the government of the day for halfheartedness in office or for unsuccessful diplomacy.

The press and the radio have been placed under some control. Radio broadcasting emanates from the Japan Broadcasting Association which, like the British Broadcasting Company, is a public corporation and enjoys a monopoly. This system has the advantage of eliminating commercial advertisements from the air and the disadvantage of limiting broadcasting of news to that approved by the government and of almost prohibiting discussion of controversial political questions. Charges of use of the radio by the cabinet in <http://www.legal-tools.org/doc/e8f506/> its own political future have not been entirely lacking but, on the whole, officials have been careful not to employ the radio for partisan ends. The advantage accruing to particular statesmen in the cabinet from state operation of broadcasting is probably little greater than that enjoyed by the president of the United States through free access to radio time at his convenience over the

private networks. As in England, broadcasting is supported not by advertising but by a standard charge collected monthly from each owner of a radio set.

The conflict of interest over the use of news between the radio, the news agencies, and the press has been avoided by making the Broadcasting Association a member of Domei and a heavy contributor to its expenses.

The Domei Tsushin-sha, or United News Company, was organized with official encouragement in 1936 through the merger of Reito and Nippon Denpo, the two earlier news agencies which corresponded roughly to the Associated Press and the United Press in the United States. The new Domei more nearly resembles the British Reuters agency or the French Havas, which it was designed to emulate. It is another example of state-sponsored monopoly but, in addition to economy and better coverage of foreign news, the merger was also designed to facilitate control of news distribution in Japan and abroad. Conflicting press releases have served to emphasize contradictions in policy between various branches of the Japanese Government, and it was hoped that the bad impression thus given could be minimized by the centralization of news distribution. More recently the government has sought to achieve the same end by restricting statements to the press to the highest officials in each department and by the organization of an Information Bureau under the cabinet (Naikaku Joho-bu). The latter may, in time, develop into a full-fledged ministry of propaganda such as has long operated in Germany and has recently been established in Britain. For the time being, however, information control in Japan has not progressed much beyond a limited negative censorship.

Censorship on news of criminal matters have long been applied in Japan in order to aid law-enforcing agencies by curtailing information to law breakers while investigations or arrests are under way. Such bans have frequently been abused, particularly in arrests of suspected radicals: on many occasions the newspapers have not been permitted to divulge news of

large-scale arrests until more than a year after they have occurred.^{5/} The Department of Home Affairs may also suppress or censor books, articles, or entire numbers of periodicals considered harmful to morals or, under the Peace Preservation Law, to public peace. The latter clause covers the many leftist articles or books which have been banned or mutilated. In addition, the Department of Foreign Affairs may issue press bans on material likely to be harmful to Japan's international relations: this power was used about 1935 to stem the tide of books predicting a naval war between Japan and the United States. The army and navy have always been able to ban publication of information on troop movements and other strictly military matters, but this power has been extended to many types of information on natural resources and factory production by the Military Resources Secrets Protection Law (Gunyo Shigen Himitsu Hogo Ho) of 1939.^{6/} There is also a considerable amount of more or less voluntary self-censorship by the press under present war conditions, as there is in England. It is worth noting, however, that the bill for control of seditious literature (Fuon Bunsho Rinji Torishimari Ho),^{7/} sponsored by the Hirota Cabinet in 1936 primarily to control such incendiary pamphlets as appeared prior to the February 26th incident, was passed by the Diet only after it had been amended to apply solely to illegal documents not coming under the newspaper or publication laws. An amendment strengthening the Military Secrets Protection Law (Gunki Hogo Ho), which the cabinet introduced in the 70th Diet early in 1937, was not approved until after the actual outbreak of hostilities in August, two sessions later.^{8/} Many other official

^{5/} The injustice to the defendant involved in such situations is not due primarily to any political bias but rather to the adoption in Japan of French criminal law which does not include the Anglo-Saxon writ of habeas corpus. PURL: <http://www.legal-tools.org/doc/e8f506/>

^{6/} See Trans-Pacific, July 6, 1939, p. 36.

^{7/} For a discussion of the law see Tanaka Jiro, "Fuon Bunsho Rinji Torishimari Ho ni tsuite," Kokkei Gakkai Zasshi, L, 8, August 1936, pp. 1023-40.

^{8/} This law and German, French, English, American, Italian, and Soviet parallels are discussed at length by Hidaka Linco, Gunki Hogo Ho (The Military Secrets Protection Law), Tokyo, 1937.

statements and debates in the Diet since 1937 indicate that freedom of speech is still a live issue.

Americans, who, in spite of criminal syndicalism laws, still enjoy very wide freedom of speech, would be dissatisfied with many of Japan's recent policies; but in her control of education, information, and propaganda Japan has not gone so far as Germany, Italy, or the Soviet Union. Her position today more nearly parallels that of Great Britain and France under similar war conditions with, perhaps, some greater measure of freedom for foreign correspondents in Japan.

Excerpt from "Government in Japan" by Fahs.
Pages 81-87

辯護書類第五九八(九)

日本に於ける政治

その範圍及び操作に於ける最近傾向

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一九四〇

三 教育、情報及び宣傳

近代國際理論は風紀を強調する。従つて國家と教育及び情報との關係を。猶他の理由により斯る關係が益々實業の政治的管理を重要視するに至るは止むを得ない。例へば個人が以前よりも一層政府の壓力を感じて、嘗ては經濟法則の運命と思はれてゐたもの、即ち經濟法則てふ無慈悲な輪轉に附隨した經濟的不備に對して政府を非

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難するやうになる。同時に近代の經濟法規の適應性及其の專門的性質は、
 個人的理解並に法的干渉を益々困難とす。にも拘らず個人の理解と協力に
 何時よりも必要となる。如何となれば國家的法規が日常生活に關する事、
 密接にならねばなる程、反對に細々と用心深く起草された衛護法的法規の功
 果的効果が薄くなり、故に、益々小さな村や、郡や梁谷地方に於ける半自
 由意志的行動力による變遷を適用に依らうとする事になる。だから何事にも
 あれ、既成秩序に口先ばかりの功理をしてゐたイデオロギイに對して、
 個人に直接に、國家に間接に、以前よりは一層非難を呼び起され易くなる。
 斯る事態の下にあつて、政府の機能に就き、また政治と人民の關係に就き
 人民の教育に對かに合法的となる。少くとも、何れの國家もその假定を踏
 んで來や。然し教育と宣傳との間に存する相違は茫漠として巧く行つても
 主觀的である。日本は兩者の釣衡を何ういふ具合に推進したるか？
 過去十年間國家の教育系統は改善されたであらう。廢藩教育が十四歳まで
 二年間延長される準備が出来た。幾多の職業學校と、更に加へて大阪、名
 古屋の帝大が開かれた。國家政府は地方教育の爲進んで補助を許容した。

男女共學は明治、早稻田の最優私立二大學に實施されることゝなつた。

然し補助増加は管理増加を意味した。且つ大學の自由を脅する條々點に幾つか物議を出來事起つた。一九三九年三月法政史家、犯罪學家瀧川氏追放は京都帝國大學の法科機能を残んど破壊するに至り、加ふるに最近東京帝國大學、法政學部の物議は幾多の激發を追放するの原因となつた。然し最も有名な件は名譽教授美濃部氏事件で、同氏は貴族院を追はれ、危くも暗殺をのがれ、三十年前何等の批判もなく無難に出版された天皇機關説の故に犯罪起訴されて脅かされた。同起訴狀で内閣法政局長は罪人となり、内大臣一木氏の退職もそれに關係があつた。

1. 註。一九三三年七月改造誌上「大學の自由と瀧川事件」森口信治の一文参照、一九三三年九月二日發行コンテムポラリー・ジャパン二號三二七頁―三三〇頁同文を同見よ。

天皇機關説起訴問題について關係に關する

首相の公式聲明となり、文部省の公的發表となるに至つた。一つに
かかる結果として、文部省は最近、帝國大學の校長及教授を任
命するに際し、これに近頃まで教授が大學の評議會によつて行つていた
限ですが、これを再び主張してゐます。併しながら今迄の處ではこの管
理を自ら行つて來たので帝國大學教授は悉く、他國の大部
分の大學の例が持つてゐるよりは大きい官給を行政府項に對して尙
持つことになりました。

政府は又、已に述べました在籍華人會、青年團、地方自治運動、選舉
改正中央聯盟のよりの比較的公の性格を持たない種々な團體を通じて、
教育上の勢力を拡大しました。政府の出版物はニュー、デイールの下に
ある合衆雜誌と自覺しくはありませんがその量を増しました最も顯著
な新しい定期刊行物は内閣情報局が發行した週報であります。新しい出
版物の大部分は註釋を與しません、附録の本體に關する文部省版、種
々の國譯軍パンフレット、外務省が發行した日本の外交に關する最近の
小冊子のよりの少數の出版物は普通に解釋して殆んど政治的宣傳に近い
ものであります。

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所謂危険思想取締は日本人にとつては、非アメリカ活動「Un-American Activities」一取締が合衆國民に對して持つのと殆んど同じ態度を持つています。心理的に似ています。地理的に異なっています。ソ聯と日本の地理的關係はカナダと合衆國の關係に似ていますが、アジアの國境はアメリカの國境とは違つて嚴重に固められています、而も日露戦争は一八一二年の戦争より一世紀も後のことであります。その結果、日本で共產主義を恐れること、米國よりもづゝと甚だしく從つて共產黨の数年間禁止されました。一九二七年以來警察は引續き赤の嫌疑者を査察し、最近の極端な文藝で嫌疑が開かれてから行はれました。同時に左翼者文學の廣汎な發展が同一治安維持法に違つて行なわれました。この發展の主として通俗的運動の性質をもつた出版物に向けられました、警察官や税官吏は自分の職務を極めて自由に解釋したことも屢々ありますが最も問題に關する學究的著述を一般的に禁止することはありませんでした。愛國主義の假面をかぶつた暴亂行為は、これも日本の政治的安定を脅かすものであります。その取締ひは一層困難でありました。日本に於ける初期の暗殺即ち濱口首相、井上準之助、西尾舜、犬養首相暗殺兇行者

は司法省が非常に寛大に取扱いました。司法省は彼等に充分の寛容を示したのであります。彼等は法廷や輿論の前で自分の事件を申し立てる機会を充分與へられました。その點は認められましたが宣告は頗る輕かつたのであります、日本の傳統では愛國主義は酌量すべき事情の中で最も重大なものであります。永田少將暗殺者でさういふ法會議に於て遂に被告席から申し立てることを許されました。併しやがて内務省及司法省が愛國主義の假面をかぶつて行はれる暴力行爲が廣がるのを抑えようとしたことがあります。一九三五年に多数の愛國的暴徒で全國に於てあげられました。無議會と密接な關係がある神徒宗派の大本營は一九三五年十二月大逆の嫌疑で弾壓されました。

聖憲また別のこの種の殺害「人の道」が義に達した。一九三六年―昭和十一
 年二・二六事件は時局の逼迫を示すものがあり、官達の態度は俄然硬化した
 聖憲は宣傳に利用されぬ爲に非公開で行われた。暗殺の責を負うた將校達は
 罪理の急遽かに裁判された。永田を暗殺した相澤はそれまでは非常に寛大な
 扱を受けたが、秘密裡に再審を受け、裁判された。二・二六事件の計畫を援
 助はしたが實地に暗殺には加らなかつた民間側の者も刑の宣告を受け、裁判
 された。その中には秘密結社中で最も有名な北一輝も居つた。一九三六年―
 昭和十一年以來、當局の意向が不穩行動に對しては、それが如何なる方面か
 ら發したものであつても、何乎國家の嚴罰主義を以てのぞむことになつたこと
 は疑ない。勿論このことは總ての愛國運動團體が停休せねばならぬと言ふわ
 けではなかつた。これらの團體にはよいのも悪いのもあつた日本の政府とし
 ては、アメリカと同等處境を有る場合には法的に正常な理由がなくしてはなら
 ない。日本の國體上の地位治安維持法の語句上又は戰爭狀態の存在する關係
 上、私有財産制度廢止時者、平和時者、天皇制度廢止時者は、更に現政府に對

して公法上の不法行爲乃至は外交上の失敗を論議する者等よりは更に一層困難な立場にあることを知らざるを得なかつた。又新聞及ラジオは或る統制を加へられてゐる。ラジオ放送は日本放送協會が行つてゐるが、英國放送協會と同様に社團法人であつて、放送はその獨占事業となつてゐる。この組織は、一つには商業用の廣告放送を引受けないと言ふ都合のよいところもあるけれども、ニュースの放送を政府の認可したもののだけに制限したり、物議を醸し易い政治上の問題を拂へることを殆ど禁止するような不利も生ずるのである。政權を握つてゐる内閣が、その政治的將來の發展を圖る爲にラジオを用いることはないことでもないが一般に官吏が黨利の爲にラジオを用いることがないように注意してゐる。放送が國家によつて運営されることによつて内閣の特別の政治家が得る利益は、恰度合衆國大統領が任意に、自分の都合のよい時に、民間放送によつて放送が出来ると言う以上には格別のことはない。又日本放送協會は、英國のそれと同様に、廣告料によつて維持されるのではなく、ラジオセツト所有者から毎月一定の料金を徴收して維持されてゐる。放送は通信社と新聞との間の

ニユース利用に因する利益の虚偽に於いては、放送協會を同「無線」信社の一員とし、その虚偽を多分に指摘せしめることによつて是れ「来た」。

同「無線」信社、乃ちユース・ナイテイド・ニユース・カンパニーは政府の意思によつて一九三六年一月和十一年に日本初頭の二重信社でアメリカのアソシエイテイド・プレス或はユース・ナイテイドプレスと一寸似たる新聞聯合社と日本電報無線社とを合同させ「出来上つたものである。この新しく出来た同盟無線信社はむしろ英日のロイテル乃至フランスのアーヴに近似し、ある所し、この同盟はこれ等に習つて作られたものであつた。またこれは政府後援による獨占事業の例ではあるがこの合同をしたことによつて露海上からも亦外口ニユースをまどめる上からも都合よく尚その上にニユースを日本内地向又外口向に送る上の統制に都合がよくなるさ言ふことが考えられ、あるのである。ニユースが相繼ぎし、公に發表されれば日本政府の種々の部門に於ける政見の對立に拍車をかけることになるのであるが、かような悪印象はニユースを中央に於て統制することによつて最少限度に止めることが出来たのである。

更に近時に至り政府は新聞に聲明を發表すること、各省の高官のみに制限すること、内閣情報部を作ることによつて同様の目的を得んとし來た。内閣情報部はやがて、ドイツに於て永年活動して來たし或は近年英に於て發足した獨立の宣傳官になるのかも知れぬが、當分は日本の情報統制は制限された消極的の範圍程度をあまり超えぬであらう

刑事ニユースに因る警察からの發表禁止は國家或は連邦が未だ行はれてゐる間は、その適法者に情報を與えぬようにして法の實施者の便を圖る意向から日本に於ては永年實施され來たがこれが動をもすれば進行はれる傾があり時に過激分子の意圖の場合がそうであつた。大檢事の大抵の場合には事件發生後一年も立たねば、之を新聞に發表することは許されなかつた。

附註の照

註五

こう言う事件に連坐した被告に對する福利優遇は主として政治的偏見に

よるのではなくむしろ日本に於てはアングロ・サクソン法の人身保護令を認め居らぬフランス法を採用してゐることによる⁽¹⁾

内務省は又道徳に或は治安維持法の下に於て、公安に有害なりと見做される書物、記事或は全部の定期刊行物を發行禁止し或は檢閲する事が出来る。後者は多くの禁止或は削除されしある左翼の記事、書物を包含する。加之外務省は日本の國際關係に有害と思はれる材料の故を以て新聞の發行禁止を發令する事が出来る。この權力は一九三五年頃日米間の海軍を豫言する書物の流れを抑止する爲に使用された。陸海軍は常に軍隊の移動及び其の他の嚴密に軍事的な事柄に關する情報の發表を禁止する事が出来た。併し乍らこの權力は一九三九年の軍用資源秘密保護法に依り天然資源及び工場生産に關する色々な型の情報にまで擴張されたのである。(註六)又現在の戦争状態下に於て英國に在る如く、多少自發的な新聞自身による削除が相當ある。然し乍ら元來二月二十六日事件に先だつて現れた如き煽動的なパンフレットを取締らんとして一九三六年廣田

内閣により主唱された不穩文章臨時取締法が僅かに新聞出版物法の範圍以外の非合法的文書に對しのみ適用されるやうに修正された後議會により可決された事は注目に値する。一九三七年初め同内閣が第七十議會に提出した軍機保護法を強固ならしめしある一修正は二會期後八月に實際に戦争が勃發して後初めて承認されたのである（註八）

註六

「太平洋雑誌」一九三九年七月六日號三十九頁參照

註七

同法の附論に「し」は田中ジョウ「不穩文章臨時取締法に對し」國家學會雜誌一五十卷八號一九三六年八月一〇一八一四十頁參照

註八

此の法律は獨乙、佛蘭西、英吉利、亞米利加、伊太利及びソヴィエトの類似せる法律は日高ミネヲにより詳細に論ぜられてゐる。

「軍機保護法」東京一九三七年

LEE LOC # 598 (9)

一九三七年以來の聯合に於ける多くの公式聲明や討論は演説の自由が依然生きた問題である事を示してゐる。

一九三七年以前の聯合に於ける其の他色々な聲明や討論を見ても言論の自由と云ふものが未だ地に落ちない事が分る。

サンフランシスコ有罪法にも拘らず依然非常に廣い言論の自由を享有してゐるアメリカ人は日本の最近の政策の多くに不満であらう、しかしその教育、情報、宣傳の取柄に於て日本は獨乙、伊太利或は露國邦親行き過ぎるはゐない。日本では新聞通信員に對して餘りか余分な自由を與へると云ふ事以外には日本の今日の地位は同様な環境下に於ける英國や佛國に近いものである。

フアース著「日本の政治」より抜粋八一頁―八七頁

164 0002 1705

Defense Document 998 (10)



GOVERNMENT IN JAPAN

Recent Trends In Its Scope and Operation

By

CHARLES E. FAHNEY

Assistant Professor of Oriental Affairs

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PART III

CONCLUSIONS

The late Justice Holmes of the United States Supreme Court used to insist that it was both a dictate and constitutional that the individual states in the American Union should be permitted a wide degree of latitude in experimentation with social and economic legislation, even when the resultant policies seemed unwise or impracticable to him or to other justices. Common sense demands that any evaluation of the internal measures adopted by foreign governments be based on at least an equal degree of tolerance. It is inconceivable that two independent governments should be identical in structure or in operation. Japan has peculiarities enough to mislead the average Western observer. When these are understood, however, it becomes evident that in domestic politics Japanese statesmen seek the same advantages for their people as do Western leaders for theirs, and that this search has led them along paths not unlike those chosen in the United States, Great Britain, France, or other Western countries. The factors directing the course selected are world-wide, not local, in character. They were evident well before either the

Iukouchiao incident of 1937 or the Manchurian incident of 1931.

(Obviously, then, expansion on the continent was not the primary cause of economic control. War conditions have merely hastened and modulated trends without either initiating or drastically redirecting them. The failure of party cabinets was also an effect rather than a cause, for many of the major steps in economic control were taken in the period of strongest party rule.)

No attempt has been made in this study to analyze Japan's foreign policy, but a careful examination of strictly internal political trends gives little support to the popular explanation of "militarism" or "totalitarianism" as the cause of Japanese policy. Such charges, if they are to be sustained at all, must find justification elsewhere. On the other hand, it is quite probable that the world-wide trend toward more comprehensive economic control, by placing a premium on the mobilization of natural resources, enhanced the importance of relations with Manchuria and China in the eyes of Japanese leaders concerned with domestic and defense problems and so contributed to the situation out of which the present hostilities developed. If this is true, Japan's economic arguments deserve more careful examination than they have yet received.

Both the universality and the persistence of the causal factors make it probable that governmental control over economics and over the affairs of the individual will continue to increase. There is certainly no reason to expect a change earlier in Japan than in the United States. Cessation of the war in China or amelioration of the international situation would result in relaxation of some control measures, but major policies would probably be little affected. It is difficult to conceive of a revolution reversing the trend toward economic control; on the contrary, any such upheaval would certainly result, at least temporarily, in a further curtailment of individual freedom of speech and action.

What guidance may these conclusions offer in a consideration of the problem of an eventual peace settlement in the Far East? In the first place, no thinking in regard to a settlement which would include Japan is likely to be sound unless it is based on the assumption that the present Japanese Government is the legitimate and accepted government of the Japanese people, and that in ability, prudence, and social vision its leaders are neither far above nor far below the statesmen of other nations interested in the Pacific. This standard leaves, of course, ample room for the explanation of costly mistakes without recourse to an assumption that the Japanese Government and its leaders are abnormal. Secondly, the peculiar obstacles in Japan's internal organization to peace negotiations or economic agreements with any power are amply paralleled in other countries and should, therefore, be easily understood by those with a will to do so. Finally, no negotiations, either political or economic, can safely ignore the obvious determination of the Japanese Government and people to plan and direct their economic affairs. Laisssez faire promises are likely to prove of questionable value for the constructive analysis of the problems of either a bilateral or a multilateral peace in the Pacific.

Excerpt from "Government in Japan" by Fahs.
Pages 88 and 89

not used



日本の政体
範圍及運用ノ最近ノ傾向

東洋問題助教

チャールズ、ビー、フアス

I、P、R、調査叢書

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發行事務所、ニューヨーク東五二番街一二九番地

一九四〇年

第三部

結論

Def. Doc. #598 (10)

合衆國大審院判事故ホームズ氏ハ合衆國ノ各州ガ社會的經濟的立法實施ノ自由ヲ相當廣範圍ニ許サレルコトハソノ結果トシテオコル政策ガ自分ヤ他ノ判事ニトリ不適當ニ見エ非實用的ニ見エルヨウナモノデアアル場合デモ爲ニナルコトデアリ憲法ニカナツタコトデモアルトヨク云ツタモノデアアル。常職カライツテ外國政府ガ採用スル國內法案ノ評價ハイカナルモノモ少クトモコレト同程度ノ寛容ヲモツテナサレネバナラヌ。ニツノ獨立シタ政府

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ガ機構及運用ノ上ニ全ク同一デアルコトハ考ヘラレナイ、日本ニハ西洋ノ觀察者ヲ迷ハセルニ充分ナ多クノ特質ガアル、シカシコレノ特質ガ理解サレタ時ニハ日本ノ政治家達ハ國內政策ニオイト西洋ノ指導者達ガ自分ノ國民ノ爲ニ得ントスルモノト同様ナモノヲ求メ又合衆國、英國、フランスソノ他西洋諸國デトラレタト同ジ道ニ沿ツテ日本ノ政治家ガコノ追求ヲ爲シテキル事が明白ニナル、ソノ選バレタ道ヲ左右スル要素ハソノ性質ニオイト地方的ナモノデナク世界的ナモノナノデアル。コレハ一九三七年ノ蘆溝橋事件ヤ一九三一年ノ滿洲事變ノズツト前カラ明ラカデアツタ。

デアルカラ大陸進出トイフコトハ經濟統制ノ第一原因デハナカツタコトハ明瞭デアル。戦争状態ニヨリ新シク趨勢ガ出來タリ急激ナ方向轉換等ガ行ハレタリシタノデナクコノタメニ今マデノ趨勢ニ拍車ヲカケ調節ヲサレタノミデアル。政黨内閣ノ失敗モ原因デアルトイフヨリムシロ結果デアル、何故ナラバ政黨支配ノ最盛時代ニ多クノ主要ナ經濟統制ガ行ハレタノデアルカラ日本ノ外交政策ヲ分析スルタメノ研究ハ少シモナサレテキナイガ嚴密ニ國內ノミノ政治傾向ヲ注意深ク検討シテモ日本ノ政策

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ノ一般的原因トシテノ「軍國主義」又ハ「全体主義」ヲ平易ニ説明スル役ニハ立タヌ、コノヨウナ非難ガイヤシクモ證據立テラルベキモノナラバ何カ他ノモノニソノ正當デアルコトヲ證明スルモノヲ見出サネバナラヌ、ソノ一方ニオイテハモット廣汎ナ經濟統制ニ向ツテキル世界ノ趨勢ハ資源動員ニ重點ヲオクコトニヨリ國內及國防問題ニ當ツテキル日本ノ指導者ヲシテ滿洲及中國トノ關係ノ重要性ヲ増スモノノ如ク思込マセ現在ノ戰爭ノ根源トナツタ情勢ヲモタラスノニ與ツタノデアアル、モシコレガ事實ナラ日本經濟ニ對スル議論ニヨリ以上ノ慎重ナ研究ガナサルベキデアアル。

偶然的要素ノ普遍性ト持續性ニヨリ政府ノ經濟及個人ノ問題ニ對スル統制ハマスマス増加シテ行クデアラウ。日本ニオイテ合衆國ヨリモ早ク變化ガオコルトハ期待サレル理由ガナイ、中國ニオケル戰爭ノ中止トカ國際情勢ノ修正ガナサレバソノ結果或種ノ統制法ノ緩和ガ行ハレルデアラウガ主要政策ニハ多分影響ハ少ナイデアラウ。經濟統制ノ傾向ヲ逆轉サセルヨウナ革命ヲサヘ考ヘルコトハ難シイ、ソノ反對ニソノヨウナ激變ハ一時的ニシテモ個人ノ言動ノ自由ヲナホ削減スル結果トナルデアラ

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ウ。

極東ニオケル終結局平和確立ヲ問題ニオイテコレヲノ結論ハ來ルベキ極東ニ於ケル平和ノ安定ニ如何ナル指示ヲ與ヘルデアラウカ？先ヅ第一ニ日本ヲ含ム解決ヲ考慮スル上ニ於テ現在ノ日本政府ガ日本國民ノ正統ナル信用ノアル政府デアリ能力、愛國心及社會的先見ナドニツイテハ日本ノ指導者達ハ太平洋ニ關心ヲ有スル他ノ諸國ノ政治家ヨリモ非常ニ秀レテキルワケデモナケレバヒドク劣ツテモキナイトイフ假定ニ基ヅカナイモノデアツタナラバソレハ恐ラク正當ナル説トハ思ハレナイデアラウコノ基準ハ日本政府トソノ指導者ハ普通デナイトイフ假定ニヨルコトナシニ影響ノ大キイ誤リヲ説明スル余裕ヲ充分殘シテキル、第二ニ平和交渉又ハ或國トノ經濟協定ヲ妨ゲル日本國內ノ勢力ノアル特殊ノ邪魔物ハ他ノ諸國ニオイテモ非常ニ類似シテキルノデアルカラ理解セントスル氣持サヘアル者ニハ容易ニ理解サレルハズデアル。最後ニ政治的ニシロ、經濟的ニシロ、交渉ノ場合ニハ日本政府及國民ノ經濟問題ヲ計畫シ支配スルトイフ明白ナル決心ヲ無視シテハ危險デアル無干渉主義ノ前提ハ恐ラク太平洋ニオケル二邊又ハ多邊の平和ノ問題ノ健全ナル分析ノタメニ役立

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ツカ否カ疑問デアル。

フアス著

「日本ノ政体」ヨリノ抜萃

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GOVERNMENT IN JAPAN
Recent Trends In Its Scope and Operation



By
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I. P. R. INQUIRY SERIES

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1940

PART I

EXPANSION OF GOVERNMENTAL RESPONSIBILITIES

The motives for expansion of governmental responsibilities and activities are numerous, complex, and interrelated. Were this not the case the trend would be neither so ubiquitous nor so persistent. Consequently no new policy can be attributed exclusively to a single motive. There were, for example, a great many arguments for the entrance by the United States government into power development first at Muscle Shoals and subsequently elsewhere in the Tennessee Valley: curtailment of American dependence on imports of Chilean guano; elevation of living standards in a depressed area; aid to national economic recovery through increased purchasing power; farm relief through provision of cheap fertilizers; experimentation in social and economic reform; creation of a measuring stick for private utility rates; augmentation of the potential supply of nitrates for military use; increase of power resources available for industrial mobilization in time of war; improvement of navigable waterways. Japanese leaders, whether trained in the army, the civil

PURL: <http://www.legal-tools.org/doc/e8f506/>

services or in private business, are no more single-minded than American congressmen; their policies also have many facets. Nevertheless, it is convenient here to classify recent enactments under the following headings according to the motives which seem to have been most influential in their adoption:

- Promotion and regulation of foreign trade.
- Economic recovery and security.
- Integration of overseas development and domestic control.
- National defense.
- Social reform.
- Finance.

1. PROMOTION AND REGULATION OF FOREIGN TRADE

Prior to the world war Japan's foreign trade policy was thoroughly orthodox and consisted of a small degree of protection through customs tariffs, enforcement of the grading and inspection of export commodities, encouragement to shipping, state aid to trade fairs, sample museums, and participation in international expositions.

The war-time boom was welcome and uncontrolled, but the post-war decade was a peculiarly serious one for Japan. Many of the industrial and export advances made under abnormal war conditions were not sufficiently established to withstand renewed European competition and the loss of special war markets. As in other parts of the world, prices and debt structures had become inflated. Moreover, Japan enjoyed no real boom between the primary and secondary post-war depressions. The great earthquake occurred just when world recovery was under way, and the strain of reconstruction weakened innumerable Japanese financial and business institutions, seriously unbalanced foreign trade, and threatened currency stability. Reconstruction was still incomplete when the Bank of Taiwan closed its doors in 1927, precipitating a major financial panic which was checked only by strenuous governmental measures

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When the Minseito Cabinet two years later sought rehabilitation through a painful program of deflation and the re-establishment of the gold standard at the old yen parity, its plans were upset by the 1929 crash, the collapse of the American silk market, and the devaluation of the pound sterling. As a result

of this prolonged depression, the Japanese government was impelled during the decade prior to 1931 toward emergency measures such as was the government of the United States somewhat later, but Japan's greater dependence on foreign trade precluded the belief in recovery through internal measures alone which has characterized much recent American legislation. Promotion of foreign trade was inevitably a major part of any Japanese recovery program.

In this program tariffs have played a minor role, for Japan's tariff policy has always been moderate.^{1/} It was compelled to be moderate for many years after the Restoration since the five per cent tariff imposed by the unequal treaties provided little revenue and less protection. It was natural that Japan should raise her tariffs in 1899 and 1911 as these restrictions were thrown off, but the increases were limited by Japan's dependence on imported raw materials and her need to keep the food prices for the working population within bounds. Like most Western countries, Japan adopted anti-dumping duties after the World War and raised some schedules to protect new industries which had flourished under war conditions. The 1926 tariff revision did little more than consolidate these changes. The last general revision, in 1932, was made necessary by price fluctuations and the re-imposition of the gold embargo. Together with subsequent amendments, it provides added protection in many lines but is, on the average, relatively liberal even if not as close to free trade as some economists advocate. Instead of prohibitive tariffs, which are clumsy and inadequate tools for a country heavily dependent on foreign trade, Japan has sought more flexible and effective instruments of regulation in trade associations, exchange control, and semi-official corporate monopolies.

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^{1/} For a general summary of Japanese tariff policy and for tables showing the average rate of customs duties through 1928, see Tominaga Yugi, "Nippon Kenzei Seisaku" (Japanese Tariff Policy), Keizogaku Jiten (Dictionary of Economics), Vol. IV, pp. 2002-5.

Trade Associations

Trade associations, which have a long tradition in Japan,^{2/} were given legal recognition in the Standard Rules for Joint Occupation Associations (Dogyo Kumiai Junsoku) promulgated by the Department of Agriculture and Commerce in 1884, by the Staple Exports Guilds Law (Juyo Yushutsu Hin Dogyo Kumiai Ho) of 1897, and by the Staple Commodities Guilds Law (Juyo Bussan Dogyo Kumiai Ho) of 1900.^{3/} The principal objectives of these early statutes and associations were the inspection and standardization of export commodities -- measures necessary to foster development of overseas markets^{4/} -- and for these purposes the government gave the associations some degree of legal support. The 1900 statute, for example, made membership in a guild compulsory under certain circumstances. Price agreements were, on the other hand, prohibited in 1917 by the Vice-Minister of Agriculture and Commerce.

Both private businessmen and public officials saw in the strengthening and multiplication of the guilds a possible means of combating trade stagnation.^{5/} In 1925 the coalition party cabinet of Kato Takaaki

^{2/} The article on "Guilds" in the Encyclopaedia of the Social Sciences contains a section on Japan by G. C. Allen which gives a brief and useful summary of the early history of the guilds. See also Ogata Kiyoshi, The Co-operative Movement in Japan. London, 1923.

^{3/} See Kishi Shinsuke, "Juyo Bussan Dogyo Kumiai" (Staple Commodities Guilds), in Meitsugeku Jiten (Dictionary of Jurisprudence), II, pp. 1246-3.

^{4/} The issuance of the Standard Rules was directly related to the application by the United States in 1883 of regulations to check importation of low-grade tea. See Takahashi Kamekichi, Nippon Tosei Keizai Ron (Japanese Economic Control), p. 166.

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^{5/} The 1925 measures were carried in the House of Representatives unanimously. Tokyo Asahi, February 18, 1925, 13-3. (In all references to the Tokyo Asahi in this study the dating and pagination of the shukusatsuban, or monthly reduced-size edition, will be used.)

enacted the Staple Exports Industrial Guilds Law (Juyo Yushutsu Min Kogyo Kumiai Ho) and the Export Guilds Law (Yushutsu Kumiai Ho) which between them authorized it to strengthen both private and public control of manufacture for export and the export business itself. ^{6/} Under these laws guilds of the two types were encouraged to undertake such additional joint enterprises as over-seas representation and marketing, investigation and promotion of markets, co-operative purchasing of raw materials, and co-operative establishments for inspecting, sorting, grading, wrapping, and packing. In return, their agreements were made subject to ministerial approval. National financial aid for some of the joint undertakings of the guilds and their control of inspection facilities helped to make membership obligatory in fact if not in law. In 1933 the Export Guilds Law and the Industrial Guilds Law were further amended to give the guilds financial powers -- to enable them to accept deposits by members, to make loans for productive purposes, and to finance exports. They were also authorized to fix rules for the time, areas, quantities, and prices of exports. The appropriate minister of state was given authority, when necessary for the development of trade or the protection of national interests to enforce guild agreements even against outsiders. ^{7/} The ability of the guilds to control foreign trade on a rational basis was thus greatly increased while the government was given additional powers of regulation in the national interest. ^{8/}

^{6/} Summary of the 1925 statute is given in the Tokyo Asahi, February 1, 1931. The Japanese texts of the Yushutsu Kumiai Ho as amended in 1931 and the rules for its application are given in Appendices 1 and 2 in Taniguchi Kichihiko, Reiki Tosei Ron (Trade Control), Tokyo, 1934.

^{7/} The 1931 amendments are summarized in the Tokyo Asahi, January 10, 1931.

^{8/} Japanese legislation is not unrelated to the United States Webb-Export Trade Act of 1918 which exempts export associations from the provisions of the anti-trust laws. Japan has, however, strengthened her associations further than has the United States, and has depended on statutory administrative supervision rather than on statutory provisions for the prevention of abuses. Compare also the Export Control Bill in New Zealand following the World War (1921-5).

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^{6/} Summary of the 1925 statute is given in the Tokyo Asahi, February 1, 1925, 1-7. The Japanese texts of the Yushutsu Kumiai Ho as amended in 1931 and of the rules for its application are given in Appendices 1 and 2 in Taniguchi Kichihiko, Reeki Tosei Ron (Trade Control), Tokyo, 1934.

^{7/} The 1931 amendments are summarized in the Tokyo Asahi, January 10, 1931, 10.

^{8/} Japanese legislation is not unrelated to the United States Webb-Pomeroy Export Trade Act of 1918 which exempts export associations from the restrictions of the anti-trust laws. Japan has, however, strengthened her export associations further than has the United States, and has depended on discretionary administrative supervision rather than on statutory prescriptions for the prevention of abuses. Compare also the Export Control Boards established in New Zealand following the World War (1921-5).

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^{7/} The 1931 amendments are summarized in the Tokyo Asahi, January 10, 1931, 10-

^{8/} Japanese legislation is not unrelated to the United States Webb-Kenyon Export Trade Act of 1918 which exempts export associations from the restrictions of the anti-trust laws. Japan has, however, strengthened her export associations further than has the United States, and has depended on discretionary administrative supervision rather than on statutory prescriptions for the prevention of abuses. Compare also the Export Control Boards established in New Zealand following the World War (1921-5).

The guilds and the legislation controlling them have been put to a new use since 1931 -- to facilitate Japanese compliance with Western demands for control of the tempo of her export boom. The rapid increase of Japanese exports after 1932 was particularly resented abroad because it added to the difficulties of businesses already suffering from the depression. Special tariff schedules, quotas, and embargoes against Japanese goods or threats of similar discriminatory action were reported every few days during 1933 and 1934 from every continent and almost every country or colony. Such measures were defended on relatively new grounds. Ostensibly it was not the Japanese export advance per se which was considered objectionable, but its disturbing speed and disproportionately low prices; the latter were popularly attributed to "exchange dumping" or "social dumping." Japan sought to forestall these new threats to the improvement of her living standards by offering to control more effectively both the volume and the prices of her exports. For this purpose the mandatory provisions of the Export Guilds Law were invoked.^{2/} Examples are numerous. Early in 1934 the Minister of Commerce and Industry urged exporters of electric bulbs and matches to the United States to organize for price control; in April 1934 silk and rayon textile exporters decided to inaugurate price control; in May 1935 plans were announced for the organization of an export guild to control quantities and prices of cotton yarn and textile exports to Africa; in June 1935 the Minister of Commerce and Industry instructed the Japan Knitted Goods Export Guild to enforce stricter control of quantities and prices of commodities sent to the East Indies, British North Borneo, the Straits Settlements, and elsewhere; in July 1935 exports were ordered controlled over a wide range; in August 1935 control of cotton export prices was reported; in September 1935 control of rayon exports in September 1936.

^{2/} Trade control through the guilds.
Beiki Tetsu Ron, pp. 207-36.

Quantitative limitations were sometimes applied as purely preventive measures, and sometimes as a result of negotiated agreements, private or diplomatic. For example, in January 1934 the organization of Japanese nitrate producers signed an agreement with the European nitrogen cartel regarding exports of ammonium sulphate (renewed in November 1935); in April 1934 the Federation of Pencil Exporters' associations decided to restrict exports to the United States to 125,000 gross per quarter; in May 1934 British and Japanese traders signed an agreement in London, placing a quota on exports of Japanese electric bulbs to Britain; in October 1935 the United States Department of State announced a ten-year gentlemen's agreement governing limitation of Japanese cotton textile exports to the Philippine Islands (extended for one year in July 1938). Such limitations on quantities had even more far-reaching effects than those on prices, for they compelled the allocation of orders among exporting firms and, eventually, the inauguration of factory production quotas. It is worth noting once more that such restrictions would have been extremely difficult to apply had it not been for the strongly established guild system. Needless to say, it was foreign pressure, not a Japanese love for regulation, which made them necessary.

A further development of control was required to meet widespread insistence outside of Japan that she balance her bilateral trade with specific countries, or to utilize Japanese purchases abroad in bargaining for trade concessions. The connection is shown in many trade disputes, conferences and agreements between 1933 and 1939. A turco-Japanese Trade equalization agreement was signed at Ankara on July 26, 1934 as a result of a Turkish ruling in the previous year that Japan must buy from Turkey at least fifty per cent of the amount sold there. In June 1935 Japan proposed that her merchants purchase enough Cuban sugar and Tobacco to exempt Japanese goods from the double tariff imposed by Cuba on imports from nations purchasing less than twenty-five per cent of the value of the goods sold in Cuba. An agreement between the Japan

to Africa and the Near East Export Guild and the government of Syria for the purchase of Syrian products to balance Japanese sales was reported in August 1936. The latest revision of this arrangement with Syria, an official treaty also on the barter principle, was signed in July 1939.^{10/} Negotiations for similar agreements with other small countries have frequently been necessary but more important were those with India, the Dutch East Indies, Australia, Canada, Burma, Germany, and Italy.^{11/}

The Indo-Japanese agreement, signed after much delay on July 12, 1934, made the amount of Japanese cotton goods admitted to India at a non-prohibitory duty dependent on the amount of Indian raw cotton purchased by Japan in an earlier but overlapping period. The March 1937 agreement with Burma was similar except that Japan undertook to purchase sixty-five per cent of all Burmese cotton available for export in return for a fixed import quota.^{12/} These agreements placed the burden of control almost entirely on Japan and were workable only because of Japanese legislation. The Indian agreement, for example, resulted first in the issuance on January 7, 1934 of an order by the Department of Commerce and Industry requiring certification of all cotton goods exports to India (Menorimono Indo Yushutsu Shomei Kisoku), and second in the organization on March 1, 1934 of the Japan to India Cotton Goods Export Association (Nippon Menorimono Tai Indo Yushutsu Kumiai) which was to assume the necessary duties of control.^{13/} In view of

^{10/} Trans-Pacific, August 10, 1939, p. 17.

^{11/} For a general discussion of recent agreements and the problems involved see "Japan's Recent Trade Agreements," Oriental Economist, Vol. VI, September 1939, pp. 589-92.

^{12/} See C. N. Vakil and D. K. Paluste, Commercial Relations between India and Japan, London, 1937, pp. 177-206.

^{13/} On the Indo-Japanese agreement see Taniguchi Kichihiko, Boeki Tosei Ron (Trade Control), pp. 140-56. Also, Ogata Hanshi, "Nichi-In Boeki Mondai" (the Indo-Japanese Trade Problem), Keizaigaku Jiten, Supplement, pp. 409-11.

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Anglo-Saxon insistence on the benefits of free trade and the reasonableness of the present distribution of resources, it is interesting that British colonial policies should have thus forced Japan into assumption of inconvenient state restrictions which possession of the colonies permits Britain to escape or postpone.

The more complex trade dispute with the Dutch East Indies led to mobilization of many groups in order to apply bargaining pressure and to facilitate equitable operation of the resultant quotas: Japanese retailers in Java were organized, the Japanese shipping lines operating services to the Dutch East Indies were consolidated, Japanese exporters of ceramics and cotton goods enforced first boycotts and then quotas.^{14/} Effective negotiation with Australia required co-operation not only between shipping lines and cotton exporters, but also between importers of wool and manufacturers of woollen goods. The effects spread when Manchukuo agreed to co-operate in retaliation against Australian products. Even shippers to Africa were brought in. Both to secure substitute supplies and as part of a plan to forestall new restrictions on Japanese imports by the Union of South Africa, Japanese exporters taxed themselves in order to raise funds to subsidize Japanese wool purchases from that area.^{15/}

The 1935 trade dispute with Canada as well as that of 1936 with Australia led to application of a new statute, the Trade Protection Law (Boeki Chosetsu oyobi Tsusho Yozo ni Kansuru Horitsu) which permitted the application of retaliatory tariffs.^{16/}

^{14/} See Miriam S. Farley, "Dutch-Japanese Negotiations Resumed," Far Eastern Survey, IV, 16, August 14, 1935, pp. 129-30.

^{15/} See "Pool for Buying South African Wool," Oriental Economist, II, 12, December 1935, pp. 14-16; "Boycotting Australian Wool," ibid., III, 7, July 1936, pp. 420-1; "Japan's Wool Supply and the Dispute with Australia," Far Eastern Survey, V, 16, July 29, 1936, pp. 172-3. The dispute with Australia was settled by a barter arrangement embodied in notes exchanged on December 26, 1936, and printed in Contemporary Japan, V, 4, March 1937, pp. 700-3.

^{16/} The Japanese text of the Trade Protection Law is given in Supplement 3 to Teniguchi Kichihiko, Boeki Tosei Hon (Trade Control). The settlement of the dispute with Canada was embodied in notes exchanged on December 25, 1935 and printed in Contemporary Japan, IV, 4, March 1936, pp. 633-5.

The new barter agreements with Germany and Italy required, strangely enough, less control on the Japanese side than those with so-called "liberal" countries because the co-signers were able and willing to assume their share of the burden. The agreement between Manchukuo and Germany of April 30, 1936 (renewed in May 1937 and revised on September 14, 1938)^{17/} was really triangular in nature and was enforced by means of blocked marks and special accounts in Germany.^{18/} That between Italy, Manchukuo, and Japan of July 5, 1938 is controlled by special accounts on each side.^{19/} Both these agreements, however, necessitated the imposition of a license system on private trade deals.

The latest agreement with Australia, announced late in June 1939, introduced a new element: Japan agreed to purchase two-thirds of her total wool imports from Australia while continuing a voluntary restriction of 51,250,000 square yards per year on textile exports.^{20/} The definite ratio of purchases is made possible, however, only by the licensing of imports, which requires an explanation of the use of exchange control as related to foreign trade.

^{17/} See Oriental Economist, VII, 6, June 1936, p. 344, and Kurt Bloch, "German-Japanese Partnership in Eastern Asia," Far Eastern Survey, VII, 21, October 26, 1938, pp. 241-5. An unofficial translation of the text of the 1936 agreement is given in the Japan-Manchukuo Year Book, 1939, pp. 857-8.

^{18/} A provisional trade agreement between Japan and Germany was signed on July 29, 1939, but its terms have not yet been published. It is reported to have provided for balancing of the trade between Germany and Japan-Manchukuo on a one-to-one basis. See "Japanese-German Trade Pact," Oriental Economist, VI, 9, September 1939, pp. 594-6.

^{19/} See unofficial translation of text in the Manchuria Daily News, August 28, 1938, no. 1, 8. See also Oriental Economist, V, 6, June 1938, p. 407; Trans-Pacific, July 14, 1938, p. 4. That such agreements had little to do with the Anti-Comintern Pact is suggested by the fact that the 2011-12 agreement is analogous reciprocal trade agreement with Germany in October 1937. See E. E. Sutch, "The Ottawa Agreement and After," Economic Record (Melbourne), Vol. XV, October 1939, Supplement, p. 44.

^{20/} Trans-Pacific, July 6, 1939, p. 40.

Exchange Control

Exchange control for trade promotion and regulation may be said to begin with such measures as devaluation and the establishment of exchange stabilization funds, operative in Japan as well as in Great Britain and the United States. Yet these, like tariffs, are scarcely adequate under critical circumstances. Japan's lack of resources and capital places her in a weaker commercial and financial position than the United States and has necessitated more incisive measures to check the flight of capital and to permit the maintenance of a stable currency in the face of budgetary deficits and a passive foreign trade produced both by trade restrictions abroad and an armaments boom at home.

Capital Flight Prevention Law (Shinon Tohi Boshu Ho) was enacted in the summer of 1932, a few months after the re-imposition of the embargo on gold exports. Under this law, bank reports on exchange transactions became compulsory. This act was soon replaced by the much stronger Foreign Exchange Control Law (Gaikoku Kawase Kanri Ho), adopted by the Diet in March 1933, which is the basis for most subsequent orders in regard to exchange.^{21/} The Foreign Exchange Control Law permits, but does not compel, the government to prohibit or limit the acquisition and disposal of securities and debentures in foreign currencies, the issue and acquisition of letters of credit, the granting of credits to persons resident abroad, the import and export of securities, and the export of articles the price of which is wholly or in part net covered by foreign exchange. It authorizes the government to concentrate foreign exchange transactions in the Bank of Japan or in other specified banks and to require the compulsory sale to the government of exchange, securities, or currency at prices fixed by a Foreign Currency Valuation Commission (Gaika Hyoka Inkai). A Foreign Exchange Control Commission (Gaikoku Kawase Kanri

^{21/} See an English translation of the text in . J. Sebald, A Selection of Japan's Emergency Legislation, Ito, 1937, pp. 1-5. For discussion see Himpure Kennesure, "Kawase Kanri" (Exchange Control), Keizaijaku Jiten, Supplement, pp. 79-81. Also Aoki Ichio, "Gaikoku Kawase Kanri Ho," (Foreign Exchange Control Law), Heitsugaku Jiten, Vol. I, pp. 164-5.

Linkai) was established to advise the government on the application of the act. This law was strengthened by amendment in September 1937 to facilitate requisitioning of property held or payable abroad.^{22/}

The Exchange Control Law was not invoked to any considerable degree until January 8, 1937. Although this was prior to the Lukouchiao incident, the import excess was already alarming, and export of gold to maintain the yen was imminent. On that date, exchange settlements in payment for imports when amounting to more than ¥30,000 per month were made subject to license.^{23/} This limit of exemption from control has been progressively lowered by new enforcement ordinances -- to ¥1,000 on July 7, 1937 and to ¥100 in December 1937. Similar restrictions on credits for Japanese travellers abroad and remittances to residents in other countries were imposed and progressively tightened. From July 1937 reports on all exports and the exchange covering them and licenses for exports not covered by foreign exchange were required. In December 1937, under Diet amendments to the Exchange Control Law, disposal or hypothecation of Japanese property abroad was put under license, and reports on property held and business conducted abroad were made compulsory. Although this one act thus made possible trenchant governmental regulation of foreign exchange, further measures were enforced following the outbreak of hostilities in China.

The first of these, the Law Concerning Adjustment of Foreign Trade and Industries Related Thereto (Boeki oyobi Kankai Sangyo no Chosai ni Kansuru Horitsu), was adopted by the 71st Diet, which met in August 1937 but had been summoned prior to the Lukouchiao incident. This law authorized the government

^{22/} For the text of the enforcement order and discussion see Tokyo Asahi, January 8, 1937, p. 98; January 10, 1937, p. 134. See also Elizabeth Boody, "Fanchukuo, the Key to Japan's Foreign Exchange Problem," Far Eastern Survey, VI, 10, May 12, 1937, pp. 107-12; "Politics and the Yen," ibid., VI, 11, May 26, 1937, pp. 117-22.

^{23/} The Japanese text of the amendment is given in the Tokyo Asahi, September 5, 1937, p. 70. See also ibid., December 7, 1937, p. 102; December 10, 1937, p. 148.

to restrict or prohibit imports or exports for the purpose of carrying out treaties, adjusting international payments, reforming trade treaties, or assuring a healthy development of the national economy.^{24/} A Trade Council (Boeki Shingi-kai) was established to advise on such restrictions prior to their adoption. A Control Consultation Board (Tosei Kyogi-kai) composed of businessmen was also authorized to facilitate the adjustments of private interests which applications of the law might require.^{25/} Control of exports and imports was broadened and extended to domestic distribution and use by the Emergency Imports Exports Management Law (Yuchutsunyu Rinji Sochi Ho), passed by the special 72nd Diet in September 1937.^{26/} It was applied in October by a departmental ordinance prohibiting importation of some 231 commodities and he also provided legal foundation for the compulsory monopolization under special corporations of the distribution of key commodities, etc., iron and copper scrap.^{27/} Reports on exchange transactions in excess of 500 yen in invisible trade were made compulsory by a Department of Finance regulation promulgated in April 1938 under the Emergency Capital Adjustment Law (Rinji Shikin Chosai Ho).^{28/}

^{24/} New Zealand adopted import licensing in December 1937 for substantially similar reasons. See E. R. Turner, "The State and Industry," Economic Record (Melbourne), Vol. XV, October 1939, Supplement, p. 118.

^{25/} See summary of the Japanese text in Tokyo Asahi, August 13, 1937, p. 192, and English translation in Sebald, op. cit., pp. 159-62.

^{26/} An English translation of the text is given in Sebald, op. cit., pp. 143-53.

^{27/} Tokyo Asahi, August 31, 1938, p. 412.

^{28/} Ibid., April 7, 1938, p. 84. The Japanese text of the law appears in ibid., September 5, 1937, p. 70. For an English translation see Sebald, op. cit., pp. 129-40.

This drastic control of imports during the first months of the China incident was applied without adequate consideration of the needs of the export industries, particularly textiles, and the resulting shortage of raw cotton and rayon pulp caused a serious slump in exports. A shrinkage in exchange available for the importation of essential war materials was quickly felt.^{29/} To solve the problem a "link" system was developed in the summer of 1938. Imports of raw materials were linked with exports of finished products containing them; raw cotton with cotton yarn and piece goods, pulp with rayon, bristles with brushes, etc. Each manufacturer was permitted imports on the basis of both his earlier completed exports and his promise to manufacture and export his product within a fixed period of months. Inauguration of the link system was made possible by the establishment of a special revolving exchange fund with 300 million yen of the Bank of Japan specie reserve. While involving some administrative difficulties, the link system seems to have benefited export industries without impairing effective control of exchange.^{30/}

Licensing of exchange transactions, specific restrictions on commodity imports and exports, and the link system are three stages in Japan's war-time control of her foreign exchange. Like the other measures of promotion and control, each has imposed additional duties on overworked officials of the Department of Finance, the Department of Commerce and Industry, or the Bank of Japan. Each has also required adjustments of interests between the many

^{29/} On current trade problems see J. S. Farley, "The Impact of War on Japan's Foreign Trade," Far Eastern Survey, VIII, 11, May 24, 1939, pp. 123-8.

^{30/} See Taniguchi Kichihiko, "The Link System in Japan" and "The Development of the Link System in Japan," Kyoto University Economic Review, XIV, 2 and 3, April and July, 1939, respectively. An interesting link by which exportation of a new 10,000 ton vessel to Brazil is to be permitted in return for importation of sufficient raw materials for an equivalent vessel and of 25,000 tons of old bottoms is reported by Prince T. Iwakura in "Senji Keizai ni okeru wage Kaiun Seisaku" (Our Shipping Policy in War Time Economics), Taiheiyō, (The Pacific), III, 1, January 1940, p. 71. See also Trans-Pacific, October 5, 1939, p. 11. Links between exported Japanese paper and imported Manila hemp and between exported rope and imported hemp and jute were reported in the Tokyo Asahi, August 27, 1938, p. 360.

individuals or corporations engaged in foreign trade and production for export. This adjustment is difficult, arbitrary, and irritating. Desire for its simplification appears to be a dominant factor in the reappearance of the old trend toward monopolies or semi-monopolies under government control.

Semi-official Corporate Monopolies

Monopolies as a means to trade promotion are nothing new to Japan, or to most other countries, but a cursory survey of some recent examples will help to show the reasons leading to their establishment in increasing numbers. They have been particularly noticeable in the shipping and fishing industries, but now seem to be sprouting rapidly in other fields.

Overseas shipping has long been subsidized in Japan. Subsidy laws, sometimes linked to mail contracts, have been directed to qualitative as well as quantitative progress and have been enacted in consideration of the contribution of a strong merchant marine both to national defense and to a favorable balance of international payments. These acts require no detailed explanation as they are very similar to those applied by other maritime powers. What is more interesting here is that, although it has not yet embarked on state ownership and operation, the government of Japan has been gradually impelled toward means of shipping control more economical and effective than subsidies.

Rationalization of shipping routes was one of the first steps. Originally accomplished by private agreement under official persuasion, it is now legally enforceable under the Navigation Routes Control Law (Koro Tosai Ho) passed by the Diet in May 1936 and in force from August 1st of that year. The law provides for a Navigation Routes Control Commission (Koro Tosai Iinkai).^{31/} Mergers of the shipping lines serving specific areas have been found expedient as a means toward more effective competition and negotiation in the trade disputes, for example, with the Dutch East Indies and with Australia.

^{31/} For the appointment of this Commission see Tokyo Asahi, August 1, 1936, p. 9.

Since the war, control, has, where possible, been exercised through the Autonomous Shipping Control Commission, an organization of the seven leading shipping firms for the adjustment of rates and allocation of bottoms.^{32/} The government, however, enjoys full legal powers to regulate the acquisition, chartering, disposal and operation of ocean-going vessels under an Emergency Shipping Control Law (Rinji Sangoaku Kanri Ho).^{33/} To make this control more effective, particularly over the routes which have been over-taxed because of the demands of the war and of the new development of heavy industry in Japan, the new national policy concerns have recently been formed -- the Japan Sea Marine Transportation Company (Nippon Kai Kaikan Kaisha) in May and the East Asia Shipping Company (Toei Kaikan Kabushiki Kaisha) in August 1939 -- monopolizing shipping between Japan and China, respectively.^{34/}

Fishing and shipping are closely related and have shown similar trends. The Japan-Russia Fishery Company (Nichi-Ro Suisyo Kaisha) is a good example of a state-promoted monopoly. Fishing, an industry probably more vital to Japan than to any other country, had long been under state protection and guidance through subsidy, compulsory inspection of export products, and technical aid. The industry in northern waters was, however, affected by three special problems: the chronic dispute with Russia over coastal fishing rights and the necessity of competing with a Russian state monopoly in the annual auction of fishing lots; restrictions on methods and catches in the interest of conservation; and, related to the latter, the complicated adjustment of interests between those engaged in coastal and pelagic fishing. These

^{32/} See Trans-Pacific, June 1, 1939, p. 33.

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^{33/} The law is summarized in the Japan Year Book, 1939-40, pp. 292-3. For a general discussion of shipping policy see Prince T. Iwakura, "Senji Kaizai ni okeru waga Kaiun Seisaku" (Our Shipping Policy in War-Time Economics), Taiseiyo, III, 1, January 1940, pp. 68-73.

^{34/} Trans-Pacific, April 27, 1939, p. 18; August 10, 1939, p. 18; April 27, 1939, p. 22. Oriental Economist, VI, 9, September 1939, pp. 610-11.

problems could be simplified by the amalgamation of all Japanese fishing interests in Russian waters in a single corporation. With this in view the merger in the Nichi-Ro concern of all smaller interests was actively promoted by the Japanese Government until its accomplishment early in 1935.^{25/} The North Seas Fishery Supervision Law (Hokuyo Gyogyo Torishimari Ho), adopted in the spring of 1935, facilitates further developments in this same direction, and a larger merger including the floating crab canneries is not unlikely.^{26/}

A few more examples from miscellaneous fields will round out the picture of this new trend which seems to be gaining momentum. The Japan Export Hosiery Company (Dai Nippon Yachutsu Moriyasu Kabushiki Kaisha) was formed in Osaka in August 1933 by both manufacturers and exporters to monopolize hosiery exports and thereby simplify the operation of the link system.^{27/} Similar companies for dealing with other goods have been reported.^{28/} Toward the end of 1933 the Japan-American Lumber Imports Company was organized after promotion by the Department of Commerce and Industry.^{29/}

^{25/} Tokyo Asahi, January 19, 1935, p. 244. On the Japan-Russia Company and northern fisheries in general see Yasuo Nagaharu, "The North Ocean Fishery in Japan's Economic Life," Far Eastern Survey, VIII, 9, April 26, 1939, pp. 106-8.

^{26/} See text of the law in Tokyo Asahi, February 27, 1935, p. 365, and of the enforcement regulations, ibid., March 19, 1935, p. 274.

^{27/} Tokyo Asahi, August 25, 1933, p. 332.

^{28/} See, for example, the Japan Export Umbrella Company, reported in Tokyo Asahi, September 3, 1933, p. 39. Others are mentioned in Asahi Isoshi, The Economic Strength of Japan, Tokyo, 1939, p. 147.

^{29/} Ivan Elchibegoff, "Ice Bloes at America's Transpacific Route," Far Eastern Survey, VIII, 15, August 30, 1939, pp. 215-17.

Among its objectives was the simplification of estimates of Japan's import needs and of the issuance of exchange permits as well as a greater bargaining power vis-a-vis American lumber exporters organized under the Webb-Femoreno Act. In June 1939 the Japan Marine Products Sales Company was established, under the joint supervision of the Department of Agriculture and Forestry and the Department of Commerce and Industry, for the unification of export sales.^{40/} Such corporations seem to provide convenient and efficient vehicles of control while leaving administration and adjustment of individual interests largely in private hands. It is probable that they will multiply during the next few years.^{41/}

Japan's desire to increase her trade is shared by all other countries and most of her methods have ample precedent. Yet each attempt at promotion has involved further governmental control. This has been true regardless of whether the immediate aim was economization of means as in shipping, improved bargaining power as with the northern fisheries and the lumber business, maintenance of currency stability as in exchange control, avoidance of ill feeling abroad as in the curtailment of cotton sales, or fulfillment of international agreements as in the allocation of wool purchases from Australia. Nor has it made any appreciable difference whether the foreign country most directly concerned was Nazi Germany, Soviet Russia, mandated Syria, a British dominion, or the United States. In each case a fairly steady trend away from indirect methods like tariffs, subsidies, and exchange stabilization funds toward more direct control through licensing and government orders is observable, and in each case a private monopoly under government

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^{40/} Trans-Pacific, July 6, 1939, p. 31.

^{41/} A useful discussion of the economic side of Japan's foreign trade since the war is given in Miriam S. Farley, The Problem of Japanese Trade Expansion in the Post-War Situation, I.F.R. Inquiry Series, New York, 1940.

supervision, whether guild, cartel, or new corporation, seems to be the most likely result.^{42/}

Such trends cannot be confined to one segment of an integrated economy. Control was bound to spread from foreign to domestic trade by analogy if not by its effect on prices and production, but these internal aspects are more popularly related to demands for recovery and security, to which we now turn.

2. ECONOMIC RECOVERY AND SECURITY

"Stabilization of the national livelihood" (kokumin seikatsu antei) is the Japanese slogan equivalent to the current American catchwords "recovery and security." The Japanese phrase became popular somewhat earlier because of the absence of prosperity during the twenties which has already been mentioned. Early or late, however, consensus as to the efficacy of specific solutions like devaluation, red-ink bonds (i.e., pump-priming), or promotion of co-operatives has been equally hard to achieve on both sides of the Pacific. Japanese policies for stabilization of the national livelihood may be divided roughly into two parts as they are aimed at industrial recovery or agricultural security.

Industrial Recovery

Nationalization in a narrow sense became a popular slogan in Japan after 1925 under the stimulation of German and American models.^{1/} Governmental measures were recommended in December 1929 by the Special Committee on

^{42/} The trend toward "national policy" corporations is well described by Ohara Sei in his article "Kokusaku Kaisha wa Hanren Suru" (National Policy Corporations Overflow), Keizo, XXI, 4, April 1939, pp. 93-9. Ohara gives details as to the proportion of stock held by the government in the important companies.

^{1/} Compare the movement promoted through the Federated American Engineering Societies after 1920 by the secretary of commerce, Herbert Hoover, and the work in Germany after 1921 of the Reichskuratorium für Wirtschaftlichkeit.

Industrial Rationalization of the Council on Commerce and Industry (Shoko Shingi-kai Sangyo Gori ni Kansuru Tokubetsu Inkai) and again in February 1930 by the newly established Emergency Industrial Council (Rinji Sangyo Shingi-kai) under the chairmanship of Premier Hamaguchi. As a result an Emergency Industrial Rationalization Bureau (Rinji Sangyo Gori Kyoku) was established in the Department of Commerce and Industry in June of the latter year.^{2/} This Bureau subsequently formulated plans for the standardization and simplification of parts and products, the spread of scientific industrial management and the improvement and standardization of bookkeeping and auditing methods and commercial correspondence.^{2/}

Rationalization, interpreted more broadly to include elimination of unnecessary competition and organization of markets and prices, was conceived as an integral part of this program but required further legislative authorization. The large-scale, heavily capitalized branches of Japanese industry were provided for under the Major Industries Control Law (Juyo Sangyo Tosei Ho) which went into effect in August 1931 (under the "liberal" Minseito Cabinet and prior to the Manchurian incident). The purpose of the law was to facilitate industrial self-control by making self-governing agreements between producers in important industries legally enforceable and to ensure proper regard for the public interest in such agreements. Analogies can be found in the British Coal Mining Act of 1930, the German Kartell Gesetz of 1926, the American National Industrial Recovery Administration and the German Gesetz uber Errichtung von Zwangskartellen, both of 1933, and the New Zealand Industrial Efficiency Act of 1936. The industries coming under the Major Industries Control Law are determined by departmental ordinances issued after the

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^{2/} It was perhaps a significant indication of a trend when in January 1937 the Emergency Industrial Rationalization Bureau was re-organized as the Industrial Control Bureau (Sangyo Tosei Kyoku).

^{3/} See Takahashi Kamekichi, Nippon Feizei Tosei Ron, pp. 206-9.

consultation of a Control Committee (Tosei Inkai) established for that purpose. Industrial agreements under the law may cover limitation of production or operation, division of fields of production or operation, apportionment of orders, prices and factors related thereto, markets, quantities to be marketed, and co-operative marketing. Agreements must be reported to the appropriate minister of state who may order their abrogation or amendment when he deems them injurious to the public interest or in restraint of a fair profit for the industry concerned or another closely related thereto. The law, originally enacted for five years, was renewed with amendments in 1936.^{4/} Under it such industries as cotton spinning and weaving, silk spinning and weaving, rayon, paper, carbide, flour, sulphuric acid, cement, copper, sugar, and oil pressing have been cartelized and placed under a measure of state supervision.^{5/}

Support for large industrial organizations and family concerns like Mitsui, Sumitomo, Mitsubishi, and Yasuda led to protests from those engaged in the small-scale industries and trades so typical of Japan. Since anti-trust legislation was deemed undesirable from the point of view of industrial efficiency and international competitive ability, small businessmen could be protected only by facilitating their organization into co-operative units able to provide some of the benefits of cartelization. Since guilds had already been created for the promotion of foreign trade, their use for strictly domestic production and trade was a logical next step. A tendency in this direction had already been evident in 1900 in the substitution of the more general Staple Commodities Guilds Law (Juyo Bussan Dogyo Kumiai Ho) for the Staple Exports Guilds Law (Juyo Yushutsu Hin Dogyo Kumiai Ho) of 1897, and in the enactment in 1925, along with the Export Guilds Law (Yushutsu Kumiai Ho),

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^{4/} See Kishi Shinsuke, "Juyo Sangyo Tosei Ho" (The Major Industries Control Law), in Horitsugaku Jiten, Vol. II, p. 1243-6.

^{5/} See Takahashi Kamekichi, Nippon Keizai Tosei Ron, pp. 219-31.

of a Staple Export Commodities Industrial Guilds Law (Juyo Yushutsu Hin Kogyo Kumiai Ho), but the commodities covered by both acts remained the ones important in the export trade. In April 1931, however, the latter act was amended (becoming simply the Kogyo Kumiai Ho) so as to be applicable as well to industries producing for the home market such articles as Japanese umbrellas, ice, and tiles.^{6/} This extension to domestic affairs was not the only innovation of the 1931 amendment. There were five additional changes of importance: (1) The guilds were authorized to accept deposits and to make loans, thus becoming financial organs for small business. (2) They were permitted to make agreements as to restriction of production and as to prices, such agreements, however, to be reported to and to require the approval of the appropriate government office. (3) The appropriate minister was authorized in case of need to order adherence to guild rules by outsiders. (4) The appropriate minister was authorized to issue orders to the guilds both to correct and to prevent abuses. (5) The provisions for provincial and national associations of guilds were strengthened.

These provisions for the organization of small-scale industries are very similar to those for heavy industries in the Major Industries Control Law. It is worth noting that these two laws, which form the model and foundation for almost all subsequent industrial control in Japan, were enacted under the leadership of the "liberal" Minseito Cabinet of Hamaguchi, Wakatsuki, and Shidehara well before the Manchurian incident. They were both desired by private business and were drafted as steps toward economic recovery; consideration of any possible relation to national defense was only secondary.

^{6/} Melville H. Walker, to whom the author is indebted for many suggestions and criticisms, has recently completed a doctoral dissertation at the University of California on "Manufacturers' Guilds in Japanese Small Scale Industries," in which he analyzes the practical results of the Industrial Guilds Law.

The allegedly "reactionary" Inukai and Saite Cabinets prepared the next step -- an almost identical Commercial Guilds Law (Shogyo Kumiai Ho), facilitating the organization and control of medium and small-scale commercial undertakings as well as industrial ones. This was promulgated in September 1932. Since that date government support and, incidentally, control of all types of guilds has been increased by subsidies for various joint functions and installations. Attention has been directed particularly to strengthening guild finances to meet the complaint that small-scale businesses find it difficult to secure adequate capital on reasonable terms. The latest step in this direction was the establishment on December 1, 1936, of the Central Depository for Commercial and Industrial Guilds (Shoko Kumiai Chuo Kinko). The Depository, authorized by a special statute,^{2/} enjoys, like such other great semi-public institutions as the Industrial Bank and the Hypothec Bank, special privileges of debenture issue and access to the low-interest funds of the Treasury Deposits Bureau.

The similarity of this guild system to the code-making authority provided in the American National Industrial Recovery Act should not be overlooked. While the Japanese legislation has not always been effective, it has also not been a spectacular failure as was the American N.I.R.A. Its comparative success may be explained at least in part by the constitutional authority of the government to enforce its provisions by something more than verbal blasts against those who disregard the rules and by the greater experience of Japanese businessmen and officials with co-operative trade associations.

Monopolies bring with them price control. Avoidance of artificially high prices detrimental to national livelihood was the primary objective of the provisions for governmental supervision in both the Major Industries Control Law and the various guild laws. Control over prices was exercised in isolated

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^{2/} The Shoko Kumiai Chuo Kinko Ho, passed by the 69th Diet in May 1936.

instances well before 1937, particularly in the steel and oil industries and others under special statutes (not to mention such public utilities as electricity, street-cars, railways, etc., in which rate control is a commonplace in other countries). It was not until the winter of 1936-7, however, that price control on a large scale became an immediate possibility. Finance Minister Yuki expressed concern over rising prices in February, and on April 1, 1937, he told the press that either departmental ordinances or administrative measures to control prices must soon be invoked. In May an Emergency Price Policy Commission (Rinji Pukka Taisaku Iinkai) with consumer representation was established.^{8/} No serious measures were taken until August 3, 1937, after hostilities had begun in China, when an ordinance was promulgated authorizing the government to war profiteers and fix prices. Emergency war measures caused price rises in every direction and it was many months before the government, aided by a re-organized Price Commission (later headed by ex-Minister of Finance Ikeda Seihin), gradually, and only partially, checked the rapid advance in living and production costs by specific orders for price reductions or fixations, for price tags on all retail goods and, in a few cases, for rationing by card.^{2/} On the whole, price and consumption control in Japan has been less drastic than it was in most countries during the World War: cotton goods have almost disappeared from the home market and products containing leather or metal have been seriously restricted, but near self-sufficiency has obviated rationing of food supplies.^{10/} Price control has been hastened and generalized by war conditions but would probably have come in 1937 or 1938 even without the hostilities in China. It is logically related to policies

^{8/} The statute of the Commission is given in the Tokyo Asahi, May 6, 1937, p. 8.

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^{2/} See "Wartime Price Control," Oriental Economist, V, 6, June 1938, pp. 357-60 and "Commodity Price Control," ibid., VI, 5, May 1939, pp. 305-7.

^{10/} Rationing may yet become necessary, however, if too drastic price control, combined with a shortage of labor and fertilizers, should cause a fall in agricultural production as it threatens to do.

adopted prior to the Manchurian incident.^{11/}

The industrial recovery program in Japan has emphasized rationalization of the organization and operation of industry in order to preserve both profitability and competitive ability in the international market. Public works, direct relief, the armaments boom, and the general policy of cheap money and liberal government spending have also been regarded as parts of the recovery program, but discussion of these aspects will be reserved for other parts of this study.

Agricultural Security

The problems of agriculture easily lead to requests for state aid because of the difficulties of private organization on any large scale and the severe fluctuations in prices due to natural hazards and inflexible demand. In Japan the farm problem is linked with that of the fishing villages, but little real relief for small-scale fishing enterprises has been provided except through state aid to co-operatives, the provision of low-interest capital, establishment of public markets, and encouragement of insurance for fishing boats. Price control is scarcely feasible in view of the perishable nature of the product.

Rice and silk are the two agricultural staples in Japan which have attracted legislation most frequently. They occupy the place in the farm problem held by wheat and cotton in the United States. Producers of both were hard hit about 1930-2 as a result of a heavy mortgage burden acquired in days of higher prices, bad harvests, the decline of world prices, and a terrible slump in silk sales and prices due to competition from rayon and the depression in the United States. After 1931 farm relief or agricultural security became an insistent political demand in Japan, but farm legislation was enacted long before the 1929 depression. This was true not only of technical aid through inspection of eggs and seeds, experimental stations, and scientific advice, but

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^{11/} On recent attempts to control prices and their shortcomings see Kurt Bloch, "Inflation and Prices in the Yen Bloc," Far Eastern Survey, VIII, 16, August 2, 1939, pp. 183-90.

also of more advanced methods of market control.

A market stabilization plan based on the concept of the "Ever Normal Granary" of Wang An-shih (later borrowed by Secretary Wallace) was inaugurated in 1921 under the Rice Law (Beikoku Ho). It was amended in 1925 to include price regulation as an objective. Control over rice imports was extended to Taiwan in 1926, to Korea in 1928, and to Karafuto in 1930. In 1933 the Rice Law was replaced by the Rice Control Law (Beikoku Tosei Ho) which authorized the government to stabilize prices by setting a minimum price at which it would purchase rice on the open market and a maximum price at which it would sell. A Rice Control Commission (Beikoku Tosei Iinkai) was established to advise on the operation of the new measures. The Rice Control Law has been frequently amended but its basic principles have remained unchanged.^{12/} In the meantime, as a result of objections to the excessive margin between the farmer's receipts for his rice on the one hand and retail prices on the other, the government enacted three measures over the active opposition of rice merchants. The Rice Autonomous Control Law (Beikoku Jichi Kanri Ho) of 1936 provided for the semi-compulsory organization of rice dealers in order to secure market control under official supervision. At the same time an act for governmental subsidy to storage facilities for unhulled rice was passed to help farmers escape losses caused by the dumping of crops at low harvest prices (Nomi Kyodo Chozo Jusei Ho). Finally in 1939, under the Rice Distribution Control Law (Beikoku Haikyu Tosei Ho), a national-policy "Japan Rice Company" was organized to guide the large-scale rice trade, control the rice futures markets (reduced, incidentally, from 17 to 2), and to monopolize the importation and sale to local dealers of Formosan rice.^{13/} Prior to 1937 the main problem

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^{12/} The Law in regard to Temporary Rice Measures (Beikoku no Okyu Sechi ni Kansu Horitsu) of September 10, 1937, merely excepted from the provisions of the Rice Control Law purchases of rice for army or navy use. See Tokyo Asahi, September 3, 1937, p. 31.

^{13/} See "Production and Distribution of Rice," Tokyo Gazette, No. 23, May 1939, pp. 1-5; Trans-Pacific, May 11, 1939, p. 4; August 10, 1939, p. 19; August 17, 1939, p. 18.

had been that of assuring a decent return to the farmer, but since the outbreak of hostilities in China the same provisions have been directed toward keeping food prices down while assuring ample supplies both for home consumption and for the army.

The silk problem has had a strikingly similar history.^{14/} Provision for inspection of silk and of silk-worm egg cards for export was made early in the Meiji era. Further steps to improve the quality and the supply and to encourage the organization of the producers were taken in the Silk Industry Law (San Shi Gyo Ho) of 1911. Inspection and grading of all silk for export was made compulsory by the Export Silk Inspection Law (Yushutsu Sei Shi Kensa Ho) of the same year. While silk exports made great progress during the years of the American boom, there were considerable fluctuations in price, and expansion led to other abuses. As a result, the Minseito Cabinet sought to apply to silk in 1929, 1930, and 1931 measures similar to those adopted for rice and for other commodities. The Silk Price Stabilization Credits Guarantee Law (Shika Antei Yushi Hesho Ho) of 1929 (in force September 1, 1929) was intended to promote price stability by extending to banks guarantees enabling them to make loans on the security of silk held in storage pending better prices or market conditions. It was doomed to failure by the Wall Street crash of 1929 and the resultant collapse of the silk market in the United States. The banks were left holding large quantities of silk, and both they and the silk producers had to be saved from bankruptcy in 1932 by the Law for Purchase of Silk held as Security for Silk Price Stabilization Loans (Shika Antei Yushi Tampo Sei Shi Baishu Ho) and the Law for Remedial Disposition of Losses on Silk Price Stabilization Loans (Shika Antei Yushi Sonshitsu Zengo Shori Ho) by which the government shared an increased proportion of the loss and took over the stored

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^{14/} For a good general description of silk legislation through 1934 see Ino Sekiya, "San Shi" (Silk Thread), Heritsugaku Jiten, II, pp. 1065-72.

stocks, which were depressing the market.^{15/} An attempt at autonomous control through a national organization of private dealers, the Imperial Silk Company (Teikoku San Shi Kabushiki Kaisha), failed for similar reasons.

More lasting improvements were sought through the Silk Industry Guilds Law (San Shi Gyo Kumisei Ho) of 1931 (prior to the Manchurian incident) which made legal provision for the organization of local guilds for each branch of silk production or trade, their association in national unions, and an all-inclusive Japan Central Silk Association (Nippon Chuo San Shi Kai) to regulate the entire business. The appropriate minister of state was given authority to order the formation of guilds when necessary, and once a guild was organized, membership was made compulsory for all persons in the region engaged in that branch of the industry. In 1932 silk reeling was placed under a license system and the government was authorized to issue orders regarding it under the Silk Reeling Industry Law (Sei Shi Gyo Ho). Co-operative organization among small producers and the limitation of new installations were sought. Two years later the Silk Worm Eggs Control Law (Gen San Shu Kanri Ho) placed the production and distribution of eggs under strong government control in order to reduce production costs through improved and standardized varieties. The Export Silk Transactions Law (Yushutsu Sei Shi Torihiki Ho) of 1934 placed silk exports under governmental license and compelled a public record of all transactions. The appropriate minister was also given added authority to control the silk trade in case of need. The silk guilds were strengthened and the cocoon trade was placed under control in 1936 by the amendment of two earlier statutes and the enactment of the Cocoon Disposal Control Law (San Yen Shori Tosei Ho).^{16/} Finally, the methods of the Beikoku

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^{15/} Disposal of the "canned" silk was limited to new markets or uses. It is only since the war in China that the government has been able to dispose of this stored surplus. See Trans-Pacific, May 4, 1939, p. 44. The United States government has also recently expressed the hope of clearing surplus stored commodities in the war boom.

^{16/} See Tokyo Asahi, February 27, 1935, p. 374; May 21, 1936, p. 237.

Tosei Ho of 1933 were applied to silk in 1937 by the Silk Price Stabilization Arrangements Law (Shika Antei Shisetsu Ho) and an associated Special Accounts Law (Shika Antei Shisetsu Tokubetsu Kaikou Ho). Under these acts the government, acting with the advice of a Silk Price Stabilization Commission (Shika Antei Iinkai), was authorized to purchase and sell silk on the open market at officially determined minimum and maximum prices respectively.^{17/}

Restrictions on the cotton industry as a result of the hostilities in China since 1937 have led indirectly to increased domestic consumption of silk, a sharp rise in silk prices, and a consequent threat to Japanese silk exports. The problem of control has thus been suddenly changed from price support to price limitation and from production curtailment to promotion. To meet these new conditions Article 8 of the General Mobilization Act may be applied. It is reported that minimum quotas for production and export will be fixed and enforced, that a Central Cocoon Price-Fixing Commission will be authorized to fix prices and that the Imperial Silk Company will be given a monopoly of the export business.^{18/} This rounds out measures taken to date for control of the silk industry. As in the case of rice, the trend has been continuous since before the Manchurian incident and has been motivated primarily by the search for agricultural security.

Aside from this special control of staple commodities, more general aid to farm security has been given through the promotion of co-operatives, regulation of the fertilizer industry, the rural reconstruction movement, and farm credits. Farm co-operatives have a particularly long history. They are known as kumiai, like the guilds already mentioned, from which frequently they are legally indistinguishable. They are organized under a bewildering number

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^{17/} See Tokyo Asahi, March 21, 1937, p. 343.

^{18/} See Trans-Pacific, July 6, 1939, p. 33. For a sample of such a state export monopoly in an Anglo-Saxon democracy, compare the New Zealand Primary Products Marketing Act of 1936 and its application to the export trade in dairy products. E.g., H. Belshaw, "Guaranteed Prices in Operation," The Economic Record (Melbourne), Vol. XV, October 1939, Supplement, pp. 69-81.

of statutes and have provincial and national unions to facilitate their functions which include marketing, purchasing, packing and shipping, storage, and financing. They have been actively encouraged by the government through tax exemptions, provision of capital, and expert guidance. In 1936, according to the Department of Agriculture and Forestry, some fifteen thousand societies had over six million members, loans to members exceeded one billion yen, and sales to members amounted to about half a billion yen. Although the co-operatives are not so numerous or so strong as students of Japanese agrarian economics believe desirable, their growth and the governmental aid which they receive have provoked repeated protests from organizations of the small businessmen with whom they compete.^{19/}

The rural reconstruction movement (Nosangyosen Keizai Kosei Undo), which was inaugurated by action of the special rural relief session of the Diet in 1932, is closely related to the co-operatives. With governmental funds for research and guidance, its program starts with education to improve the spirit of community co-operation in rural villages, and proceeds from this to strengthening co-operative purchasing or marketing, joint sponsorship of land readjustment, flood control and irrigation works, and mutual aid in harvesting, child care, etc. This improved community efficiency is supplemented by family education in economy, budgeting, and home industry.^{20/}

The supply and the price of fertilizer have been crucial problems in every plan for agricultural security because Japan's efforts to combat land shortage by more intensive cultivation have required wide use of a variety of fertilizers to maintain fertility. Cartelization of the industry both at home and abroad has increased the farmer's problem. State control has

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^{19/} See, for example, the resolutions of the National Conference on Protection of Commercial Rights held in Tokyo December 6, 1935. Tokyo Asahi, December 7, 1935, p. 96. See also Galen M. Fisher, "The Cooperative Movement in Japan," Pacific Affairs, XI, 4, December 1936, pp. 478-91.

^{20/} See Nasu Shiroshi, "Nosangyosen Keizai Kosei Keikaku" (Farm, Mountain, and Fishing Village Economic Reconstruction Plans), Keizaijiku Jiten, Supplement, pp. 450-2.

long been urged by farm organizations; it was advocated by officials in the Fertilizer Investigation Commission of the Department of Agriculture and Forestry (Hiryo Chosa Iinkai) in 1927; a Fertilizer Control Bill (Hiryo Kanri Ho An) was put forward by the Tanaka Cabinet in 1929 but failed of passage. The Okada Cabinet sponsored another bill in 1935, but its adoption was delayed until the special session of the Diet in May 1936, following the February 26th incident.^{21/} The Staple Fertilizers Industry Control Law (Juwa Hiryo Gyo Tosai Ho) placed fertilizer production and distribution under a license system, made co-operatives for the various branches compulsory, authorized the co-operatives to control production and price subject to official approval, and empowered the government to regulate importation and to issue necessary orders to the industry which was recognized as affected with the public interest.^{22/} Under this statute, first enforced in May 1936, prices of ammonium sulphate, calcium cyanamide, and super-phosphates have been controlled, the last since November 1938.^{23/} Since price control during a war boom might lead to failure of supply or hoarding, the special 72nd Diet passed a Temporary Fertilizer Distribution Control Law (Rinji Hiryo Hokuwa Tosai Ho) which empowered the government, when necessary, to issue ordinances compelling production and sale of fertilizers and to enforce them by investigation, punishment, and obligatory reports.^{24/} Finally, a few months later, the 73rd Diet authorized the creation of a Japan Ammonium Sulphate Company (Nippon Ryuan Kabushiki Kaisha) under thoroughgoing official control and empowered the government to order persons or

^{21/} Takahashi Kamekichi, Nippon Kaizai Tosai Ron, pp. 396-8.

^{22/} Kishi Shinsuke, "Tosai Sangyo Rinpo" (Economic Control Legislation), Horitsugaku Jiten, Vol. III, p. 2025. PURL: <http://www.legal-tools.org/doc/e8f506/>

^{23/} Trans-Pacific, September 8, 1931, p. 19.

^{24/} See text of the statute in Tokyo Asahi, September 4, 1937, p. 54. English translation in Scheld, op. cit., pp. 171-2.

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^{23/} Trans-Pacific, September 8, 1938, p. 19.

^{24/} See text of the statute in Tokyo Asahi, September 4, 1937, p. 54. English translation in Sebald, op. cit., pp. 171-2.

corporations engaged in the manufacture of ammonium sulphate to enlarge or improve their equipment, to increase production, or to dispose of their product to the new corporation. In return, such persons were given special tax exemptions, financial privileges, and guarantees against loss (Ryusan Ammonia Zosan cyobi Haikyū Tōsai Hō).^{25/}

Unadjusted farm debts constituted a serious threat to Japanese banks as well as to Japanese agriculture in 1932. Their reduction was one objective of the rural reconstruction movement already mentioned. Provision for adjustment by arbitration, compulsory if necessary, was made in the Monetary Debts Conciliation Law (Kinsan Saimu Binji Chōtai Hō) of 1932. This act was originally applicable only to debts of one thousand yen or less contracted before its promulgation, and its validity was limited to three years, but it was renewed in amended and semi-permanent form in 1934.^{26/}

Farmers' co-operatives for the purposes of mutual aid in debt liquidation and the joint guarantee of loans were authorized and given government aid through the Farm Village Debt Adjustment Law (Kosen Fusai Sōri Hō) and the Farm Household Debt Adjustment Co-operatives Law (Noka Fusai Sōri Kumiai Hō) of 1933.^{27/} At about the same time, by means of the Law for Credits on Immovables and for Indemnification for Losses (Fudōsan Yūshi cyobi Senshitsu Hōshō Hō) of 1932,^{28/} and by provision for loans on livestock, farm

^{25/} Text in Tokyo Asahi, March 13, 1938, p. 184. On recent difficulties in the enforcement of these various statutes see W. S. Farley, "Japan's Fertilizer Problem Still Unsolved," Far Eastern Survey, VIII, 6, March 15, 1939, pp. 73-4.

^{26/} Conciliation was a well-known procedure in Japan even before it was legally authorized or required in such statutes as the Rented Lands and Houses Conciliation Law (Shakuchi Shakuya Chōtai Hō) of 1922, the Farm Tenancy Conciliation Law (Kōsen Chōtai Hō) of 1924, and the Commercial Matters Conciliation Law (Shōji Chōtai Hō) and Labor Disputes Conciliation Law (Rōrō Chōtai Hō) of 1926. Ikeda Terajirō, "Chōtai" (Arbitration), Horitsugaku Jiten, Vol. III, pp. 1907-17. On the Farm Tenancy Conciliation Law see "A New Method of Tenancy Disputes in Japan," International Labor Review, March 1925, pp. 381-8. The Domestic Disputes Conciliation Law was promulgated on March 16, 1939 (Jinji Chōtai Hō). See "System for Arbitration of Domestic Disputes," Tokyo Gazette, No. 23, May 1939, pp. 10-19.

^{27/} Ōtsuki Masao, "Noka no Fusai" (Farm Household Debts), Keizai-gaku Jiten, Supplement, pp. 444-5.

^{28/} Iwaseki Hiroshi, "Jikyoku Kyōkyū Kinyū Taiseiku" (Credit Policy for Solution of the Crisis), ibid., Supplement, pp. 222-3.

machinery, and small fishing boats through rural credit co-operatives, fishing co-operatives, and other corporations determined by ordinance (under the Agricultural Chattel Credit Law -- Kogyo Dosan Shinyo Ho -- of 1933^{29/}), the government sought to augment the supply of capital in rural areas by authorizing the Kogyo Ginko, the Neko Ginko, and other semi-public financial institutions to purchase the farm mortgages then choking the private banks.

The Central Bank of the Production Co-operatives (Sangyo Kumiri Chuo Ginko) was also strengthened and insured against losses on farm loans. These various acts did not solve the farm crisis although they undoubtedly provided at least temporary relief. Their objectives were much the same as those of recent farm legislation in America -- relief of both farmers and bankers through the refinancing of farm debts and aid to independent small farmers and tenants. Since the war in China several new steps have been taken in this direction. The Temporary Farm Debts Settlement Law (Rinji Nosen Fusai Shori Ho) of 1938 provided for the adjustment of debts contracted by families of persons killed or injured while on service in China.^{30/} The Farm Lands Adjustment Law (Nochi Chosai Ho, 1938) gave local committees extensive powers for the adjustment of tenancy disputes, the communal cultivation of the lands of persons on active service, and the acquisition of lands for co-operative cultivation.^{31/} Finally, the Agricultural Insurance Law^{32/} (Nogyo Hoken Ho) and Agricultural Re-insurance Special Accounts Law (Nogyo Saihoken Tokubetsu Kaikai Ho) of 1938 have provided limited national assistance to co-operative organizations for crop insurance. Prior to 1937 there was a certain undercurrent of disagreement as to the relative urgency of farm relief, arms

^{29/} Kusumi Issai, "Dosan Teito" (Chattel Mortgages), *ibid.*, Supplement, pp. 380-1.

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^{30/} See explanation in the Tokyo Gazette, No. 13, July 1938, p. 53.

^{31/} See Department of Agriculture and Forestry, "On the Law for Agrarian Adjustment," Tokyo Gazette, Nos. 9 and 10, March-April 1938, pp. 5-9. The text of the Act with amendments appears in the Tokyo Asahi, January 24, 1938, p. 317; March 4, 1938, p. 52; and March 9, 1938, p. 124.

^{32/} Text in Tokyo Asahi, March 5, 1938, p. 67.

expansion, and economy, but this disagreement seldom comes to the surface to any marked extent. The government has, on the whole, been slow to grant extensive direct monetary subsidies to farming but has been somewhat ahead of the two major parties in the Diet in advocating other legislative assistance to tenants, rural debtors, and small independent farmers. ^{33/} The labor and agrarian parties in the Diet like the Shakai Taishu-to and the Toho-kai have generally supported government legislation against the opposition of the larger and older parties but have at the same time stigmatized each new act as inadequate.

The government, however, found each step toward recovery and rehabilitation, rural or urban, complicated not only by financial difficulties and disagreement between various sections of the public as to methods and principles, but also by the increasing need of including in all economic plans consideration of the position of Japan's colonies, of Manchukuo, and, more recently, of the occupied areas of China.

^{33/} A general description of Japanese agrarian policy is contained in Nasu Shiroshi, "Ziele und Ausrichtung der Japanischen Agrarpolitik in der Gegenwart," Weltwirtschaftliches Archiv, XLVI, 1, July 1937, pp. 157-82.

4. NATIONAL DEFENSE

The World War did not cause such drastic economic control in Japan as it did in the United States, Great Britain, France and Germany. Such statutes as the Naval Supplies Ordinance (Kaigun Kyuyo Rei) of 1904 were in existence, but it was not until 1918 that a modern law for the mobilization of the munitions industry in a broad sense was enacted. The Munitions Industries Mobilization Law (Gunju Kogyo Doin Ho) of that year defined military supplies broadly and authorized supervision, use, or expropriation of the industries producing them. ^{1/} Many of its provisions were never enforced.

Japan could congratulate herself on avoiding some of the inconveniences of war, but her military and naval officers would have served the country poorly indeed had they failed to recognize the greatly enlarged role of

^{1/} See Yanase Ryokan, "Gunju Kogyo Doin" (Mobilization of Military Supplies Industries), Heritsugaku Jiten, Vol. I, p. 547.

economic mobilization in the European conflict and to develop new plans of national defense in accordance therewith. This new work of the military and naval general staffs was led by some of the younger officers, like Nagata Tetsuzen, who had served as attaches in Europe during the war. Their ideas materialized in 1927 in the establishment of a Resources Bureau (Shigon Kyoku) which was to investigate broad problems of national defense and to recommend policies for their solution. The early work of the Bureau led to the promulgation in 1929 of the Resources Investigation Law (Shigon Chosa Ho) which authorized it to require reports from all branches of industry, and to send out its own investigators when necessary. These reports and investigations have in practice been handled by various regular departments of the government.^{2/} The Resources Bureau continued its work with little publicity but with a steady flow of new legislation on industries of special military significance to mark its progress. A brief survey of the consequences for a few of these industries will prove illuminating.

Iron and Steel

Production of steel and its products had been a serious concern of the Japanese Government since well before the Meiji Restoration, and the industry was long dominated by the publicly owned Yawata Iron Works. Private concerns were large in scale and small in numbers. Their cartelization was promoted under the Major Industries Control Law of 1931. In addition, of course, indirect control was possible through shipping subsidies, the purchasing policies of the government railways, the army and the navy, and by tariffs and other import restrictions. A law providing for the merger of major iron and steel manufacturing concerns into a single semi-public corporation was passed by the Diet in March 1933 and went into effect shortly.

^{2/} See Tanaka Jiro, "Shigon Chosa" (Resources Investigation), ibid., Vol. II, p. 1087. Compare the strategic minerals investigations of the United States Bureau of Mines under act of Congress of June 7, 1939.

afterward. The Japan Iron Manufacturing Company accounts for almost the entire national output of pig iron and for about half the output of steel ingots and steel products.^{2/}

Early in 1938 an Iron and Steel Control Council (Tokko Tetsu Kogyo-ka) was established in the Department of Commerce and Industry to set all-inclusive quotas for the importation, production, distribution, and exportation of iron, steel, and their products. Quotas for particular producers are fixed by the Nippon Steel Materials Federation (Nippon Tetsu Bango-kai), and those for consumers by various organizations for engineering, mining, electric power, machinery, etc. Quotas are enforceable under the Iron and Steel Distribution Control Regulations (Tokko Haikyu Tetsu Kiseku), put into effect in July 1938.^{4/} The Nippon Steel Materials Federation also controls the sale of steel products, while pig iron is similarly managed by the Japan-Manchukuo Iron and Steel Sales Company, which represents the Japan Iron Manufacturing Company and the Showa Iron Works (of Manchuria). Early in 1939 scrap iron distribution was added to this imposing organization which is paralleled, of course, by systems of control for non-ferrous metals.^{5/}

Automobiles

Subsidies to producers of motor vehicles for military use were inaugurated in 1919 under a law passed by the Diet in the previous year (Gunyo Jidosha Hojo Ho). Scheduled bus and truck transport then was placed under the control of the Department of Railways by the Motor Vehicles Communications Industry Law (Jidosha Ketsu Jigyō Ho) of 1931.^{6/} Cartalization was made

^{2/} Compare the New Zealand Iron and Steel Industry Act of 1937, authorizing establishment of a state iron and steel industry with sale rights to mine iron ore in New Zealand. B. Turner, "The State and Industry," The Economic Record (Melbourne), Vol. IV, Supplement, October 1939, p. 117.

^{4/} Summary in Tokyo Asahi, June 19, 1938, p. 230.

^{5/} See "War and Steel Industry," Oriental Economist, VI, 1, January 1939, pp. 22-4; see also "Copper and Coal Control," Ibid., VI, 2, February 1939, pp. 95-8.

^{6/} Miyasu Kenjiro, "Jidosha Ketsu Jigyō Ho," Heritsugaku Jitan, Vol. II, p. 1152.

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possible by the Light Industries Control Law of 1931, but the Department of Commerce and Industry sought a definite merger of the principal Japanese producers which resulted in the organization of the Motor Car Industrial Company (Jidosha Kogyo Kabushiki Kaisha) early in 1933. While this company is privately owned, its progress and control have been facilitated by governmental aid through direct subsidies or the preferential purchase of its products by such public organs as the Department of Railways. Further control, including quotas for the various producers, was made possible by the Automobile Manufacture Industry Law of 1936, and since the outbreak of hostilities in China the increase of motor vehicle production has been an important item in the various three- and five-year plans outlined for Manchukuo and Japan. A special feature of official policy has been the encouragement of the production of vehicles powered by engines burning crude oil, charcoal, or wood, to facilitate economy in imported fuels.

Oil

Within her own territory Japan has only extremely limited oil resources to meet the needs of her civilian population as well as those of her fleet and army. Great Britain, in spite of her political or corporate control of a large fraction of the world's oil supply found it desirable to introduce rationing of gasoline for civilian use in September 1939, less than one month after her declaration of war on Germany. Steps to meet Japan's much more severe problem were naturally taken under consideration at an early date. Measures were proposed by the Fuels Investigation Commission (Kenryo Chosa Inkai) in 1926 by the Council on Commerce and Industry (Shoko Shingi-kai) in 1929, and by a conference of experts from various governmental departments in 1932. A Petroleum Industry Law was finally passed in 1934, giving the government authority to license the business of refining or [IPUR: http://www.legal-tools.org/doc/e8f506/](http://www.legal-tools.org/doc/e8f506/) its products, to require importers to store at least a six months' supply in Japan at all times, to order reports on business and conduct investigations, and to order price changes, improvements, or expansion of plants, and other steps necessary for the assurance of supply. On the application of these

provisions the government was required to consult a newly established Petroleum Industry Commission (Sekiyugyo Iinkai). Prices and production and import quotas have since been established by the Department of Commerce and Industry, although application of some of the provisions of the law was delayed by the long controversy with the American and British oil companies which dominate the import market. Rationing of gasoline used in private vehicles did not go into effect until May 1, 1938, nearly ten months after the Lukeuchino incident, but since then it has become drastic. The mixture of alcohol with gasoline for private consumption became compulsory only after July 1, 1938, but preparation for this step had been made by the establishment of an official alcohol monopoly under legislation passed in March 1937 by the 70th Session of the Diet (Jurukeru Sembai Ho). Increased production of oil has been promoted not only through official sponsorship of oil-shale distillation at Anshan in Manchuria, but also more generally under the Artificial Oil Manufacture Undertakings Law (Jinza Sekiyu Seizo Jigyō Ho) of 1937, the Imperial Fuel Industry Company, authorized by a statute (Teikoku Nenryo Kogyō Kabushiki Kaisha Ho) of the same year, and the Petroleum Resources Development Law (Sekiyu Shigen Taihatsu Ho) of 1938.^{7/}

Airplanes

Japan has been slow in developing the manufacture of airplanes and civil air transportation. Both had to wait many years for the boom which the aviation industries in Western countries enjoyed during the world war. Since 1932, however, the Army, Navy, Communications, and Railways Departments have vied with each other in promoting aviation through subsidizing manufacture, transportation schedules, and research. Promotion and control of the manufacturing industry were provided by statute in March 1938 (Kokuki Seppō Jijū), and in May 1938 major air transportation companies were merged in the Japan

^{7/} On recent developments and plans see John R. Stewart, "Japan Still Seeks Oil from Coal and Shale," Far Eastern Survey, VIII, 2, January 19, 1939, pp. 22-3.

Electricity Company, a national-policy concern (Dai Nippon Koku Kabushiki Kaisha Co.).^{2/}

Electric Power

Army officers were active in the campaign which finally led to government control of the electric power and transmission industry in Japan, yet the reasons for control were only in part military; army interest in the matter came only after government control had long been advocated by civil officials. Because of the scarcity of fuels and the abundance of water power, generation and consumption of electricity have developed rapidly in Japan. Prior to 1939 the industry was in the hands of four or five large companies, dominated in turn by Japan's great family trusts. Electric power is the key to the survival of small-scale factories which cannot afford their own power plants; electric power is also the key to the decentralization of industry which is advocated as a solution to the farm problem. Each of these facts has helped to make control of the power industry a symbol of social reform, of the supremacy of national interests over private monopolies. Army leaders favor social reforms as a necessary prerequisite for solidarity behind the lines in time of war; they also favor decentralization of industry because it would help to reduce Japan's excessive vulnerability to air raids. Moreover, electric power is important in the production of light metals -- magnesium and aluminum -- and of chemicals directly or indirectly related to the armaments industry; and Japan's army leaders were concerned about a possible power shortage in time of war. It is not surprising then that control of the power industry should have been advocated by both the army and the Social Mass Party, the most socialistic party in the Diet, as well as by many civil officials connected with neither the army nor the navy. Although ^{PURL: <http://www.legal-tools.org/doc/e8f506/>} such control first became a major item in the platform of Premier Hirota's

^{2/} For a summary of recent developments see Lawrence H. Odell, "Efforts to Stimulate Domestic Airplane Output in Japan," Far Eastern Survey, IX, 3, January 31, 1940, pp. 37-8.

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cabinet in 1936. Control was opposed by many Diet members and by the private power industry. The army kept its promise to leave application of such economic programs to the civilian departments, and the cabinet preferred negotiation to dictatorship. As a result, progress was slow. It was not until March 1938 that the Diet passed, with amendments, the Electric Power Control Law (Dennryoku Kanri Ho), the Japan Electric Power Generation and Transmission Company Law (Nihon Hasei Den Kabushiki Kaisha Ho) and associated statutes. The company, not formally inaugurated until April 1, 1939, is the new agency of government control in which are merged the interests and facilities of the major generating and distributing systems.^{2/}

We have not exhausted the list of industries which have been promoted or controlled on the advice of the Resources Bureau because of their relation to national defense. A more complete tabulation would include the fertilizer and shipping industries which have been discussed elsewhere. In fact, almost any control measure may be interpreted as a contribution to national defense to the degree that it is calculated to increase economic strength and general welfare. There are also a few more cases, like encouragement of horse breeding or of production of non-ferrous metals, where the connection is quite direct; but we have given enough examples to show the trend.

The extensive enactment of special statutes prior to July 1937 simplified the problem of meeting the emergency needs caused by the hostilities in China and helps to explain why Japan has been so leisurely in the adoption and application of her General Mobilization Act (compared to the promulgation of the new Emergency Powers Bill in Great Britain on August 24, 1939, before the actual commencement of hostilities with Germany). The special 72nd Diet, meeting at the beginning of September 1937, had to pass a

PURL: <http://www.legal-tools.org/doc/e8f506/>

^{2/} "Power Monopoly Concern Starts Business," Oriental Economist, VI, 5, May 1939, pp. 325-6. "The National Electric Power Policy in Operation," Tokyo Gazette, No. 24, June, 1939, pp. 15-16.

statute applying the out-of-date Munitions Industries Mobilization Law (Gunju Kogyo Dain Ho) of 1918 only because that statute was limited by its original terminology to a state of "war."^{10/} Aside from this adjustment in wording and special war appropriations, the most important products of the special session were the Emergency Capital Adjustment Law (Rinji Shikin Chisei Ho) and the Emergency Shipping Control Law (Rinji Sempaku Kanri Ho).

The General Mobilization Law (Yokur Seidain Ho) was enacted by the regular 73rd Diet in March 1938 after long and heated debate in both the House of Representatives and the House of Peers.^{11/} It is a general enabling statute in broad terms not very different in content from the emergency legislation adopted in both France and Great Britain recently with little or no discussion in the Chamber of Deputies or in Parliament.^{12/} Its numerous articles permit, but do not of themselves institute, a wide variety of controls. Many of these powers had not been utilized after ten years of war. Application is effected by means of Imperial ordinances. The government thereby receives a liberal accession of power since such ordinances do not require the assent of the Diet. The cabinet is not completely free, however, for drafts of ordinances

^{10/} This statute was replaced by the General Mobilization Law on the promulgation of the latter. The texts of the 1937 amendment and of the major provisions of the 1918 statute are translated in Sobald, op. cit., pp. 173-4.

^{11/} Promulgated April 1, 1938. A translation of the text of the law is given in Trans-Pacific, Feb. 24, 1938, pp. 16-17. See also Kathleen Barnes, "Japanese Government Given Blank Check," Far Eastern Survey, VII, 7, April 6, 1938, pp. 79-81; Miriam S. Farley, "The National Mobilization Controversy in Japan," ibid., VII, 3, February 1, 1939, pp. 25-30.

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^{12/} Compare also the war-time emergency powers of the president of the United States and their exercise, for example, through the War Industries Board. Proposals for an industrial mobilization act giving the president authority to fix prices, control profits, and conscript the resources and directing personnel of industry have been before the American Congress almost continuously since 1922 were recommended by the War Policies Commission under President Hoover in 1932 and were hotly debated in the spring of 1938. While not yet on the statute books, such measures would undoubtedly be adopted very soon after an American declaration of war. See The Congressional Digest, XVII, 3, March 1938, pp. 75-6.

must be submitted to a General Mobilization Commission (Kokkai Seidai Shingikai)^{12/} for advice before promulgation, and examination is not perfunctory. Prior to November 30, 1939, the following ordinances had been issued under the various articles of the General Mobilization Act indicated in parenthesis:^{14/}

General Mobilization Enterprise Designation Ordinance (Art. 3)^{15/}

National Conscription Ordinance (Art. 4)^{16/}

Factory Working Hours Limitation Ordinance (Art. 6)^{17/}

Employment Limitation Ordinance (Art. 6)^{18/}

^{13/} The Shingai-kai first met on August 10, 1938. See Tokyo Asahi, August 11, 1938, p. 137.

^{14/} See "Sodein Ho Shikoku Ikkanon" (One Year's Enforcement of the General Mobilization Law), Tokyo Asahi, June 15, 1939, p. 194. There is also a useful list of ordinances in Trans-Pacific, August 10, 1939, p. 19. The author believes the list given below to be complete to November 30, 1939, but the sources available do not permit complete assurance that nothing has been overlooked.

^{15/} Sodein Gyomu Shitei Rei. Promulgated July 5, 1939. Text in Kampo (Official Gazette), No. 3748, pp. 130-1.

^{16/} Kokumin Choyo Rei. July 8, 1939. Kampo, No. 3751, pp. 321-3. For a discussion of the reasons for this ordinance and difficulties in application see Sugiyama Heisuke, "Sodein Ho Dai Shi Jo no Hetsudo" (Invocation of Article 4 of the General Mobilization Law), Keizo, XXI, 5, May 1939, pp. 214-22.

^{17/} Koji Shugyo Jiken Seigon Rei. March 31, 1939. Abridged text in Tokyo Asahi, March 31, 1939, p. 410. Enforcement regulations, ibid., April 19, 1939, p. 234.

^{18/} Yoteire Seigon Rei. March 31, 1939. A summary of the provisions of the Employment Limitation Ordinance and of the Technician Training Ordinance is given in the Japan Year Book 1939-40, pp. 706-11. For the industries affected see Tokyo Asahi, April 9, 1939, p. 102.

University and School Graduates Employment Limitation Ordinance (Art. 6)^{19/}
 Wage Control Ordinance (Art. 6)^{20/}
 Ordinance for Emergency Regulation of Wages (Art. 6)^{21/}
 Rice Hulling, etc. Restriction Ordinance (Art. 3)^{22/}
 Ordinance for Control of Electric Power (Art. 8)^{23/}
 Company Profit, Dividend, and Capital Financing Ordinance (Art. 11)^{24/}
 Ordinance for Emergency Regulation of the Supply of Corporate Employees
 (Art. 11)^{25/}
 Factory and Workshop Supervision Ordinance (Art. 13)^{26/}
 General Mobilization Enterprises Installations Ordinance (Art. 16)^{27/}
 Ordinance for the Control of Prices, etc. (Art. 19)^{28/}

^{19/} Gakko Sotsugyo-shu Shiyu Seizon Rei. August 24, 1938. Text in Tokyo Asahi, August 24, 1938, p. 316.

^{20/} Chinkin Tosei Rei. March 31, 1939. Abridged text in Tokyo Asahi, March 31, 1939, p. 410. Enforcement regulations, ibid., April 9, 1939, p. 102.

^{21/} Chinkin Rinji Sechi Rei. October 18, 1939. Kampo, No. 3837, pp. 575-6.

^{22/} Ekoku Tosei nado Seizon Rei. November 25, 1939. Kampo, No. 3867, p. 959

^{23/} Dennryoku Chusei Rei. October 18, 1939. Kampo, No. 3837, pp. 581-2.

^{24/} Keishe Rikki Hoto Gyobi Shikin Yutsu Rei. April 1, 1939. Text in Tokyo Asahi, April 1, 1939, p. 6. See also Miriam S. Farley, "Japanese Army Wins Fight to Limit Dividends," Far Eastern Survey, VIII, 13, June 21, 1939, pp. 153-4.

^{25/} Keishe Shokuin Kyuwa Rinji Sechi Rei. October 18, 1939. Kampo, No. 3837, pp. 578-80.

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^{26/} Kajo Jigyosha Kenri Rei. May 4, 1939. Enacted to replace the provisions of the Gunju Kyuwa Kenri Rei which was repealed with the enforcement of the General Mobilization Law on May 5.

^{27/} Sadain Gyomu Jigyo Satsubi Rei. July 1, 1939. Kampo, No. 3745, pp. 2-3.

^{28/} Kokoku nado Tosei Rei. October 18, 1939. Kampo, No. 3837, pp. 573-5. For discussion see also Trans-Pacific, October 26, 1939, p. 22.

Ordinance for the Control of Land and House Rents (Art. 19)^{29/}
 Medical Professional Ability Registration Ordinance (Art. 21)^{30/}
 Dentist's Vocational Ability Registration Ordinance (Art. 21)^{31/}
 Veterinary Professional Ability Registration Ordinance (Art. 21)^{32/}
 National Vocational Ability Registration Ordinance (Art. 21)^{33/}
 School Technician Training Ordinance (Art. 22)^{34/}
 Factory and Workshop Technician Training Ordinance (Art. 22)^{35/}
 Marine Navigation Technician Training Ordinance (Art. 22)^{36/}
 Ordinance Regarding Planning by Directors of General Mobilization
 Enterprises (Art. 24)^{37/}

^{29/} Jidai Yachin Tosei Rei. October 15, 1938. Kanpo, No. 3127, pp. 575-6.

^{30/} Iryo Kankei-sha Neriyoku Shinkoku Rei. August 24, 1938. Text in Tokyo Asahi, August 24, 1938, p. 316.

^{31/} Sen-in-Shokugyo Neriyoku Shinkoku Rei. January 30, 1939.

^{32/} Juishi Shokugyo Neriyoku Shinkoku Rei. February 4, 1939.

^{33/} Keimin Shokugyo Neriyoku Shinkoku Rei. January 7, 1939. Japanese text in Tokyo Asahi, January 7, 1939, p. 68. English summary in The Japan Year Book, 1939-40, pp. 712-14.

^{34/} Qakko Gincsha Yosei Rei. March 31, 1939.

^{35/} Ido Jigyosha Gincsha Yosei Rei. April 5, 1939.

^{36/} Somoku Unko Gincsha Yosei Rei. November 21, 1939. Kanpo, No. 3864, pp. 829-30.

^{37/} Sodein Oyama Jigyosha Leikaku Rei. July 26, 1939. Kanpo, No. 3766, pp. 945-6.

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- General Mobilization Experiment and Research Ordinance (art. 25)^{33/}
- General Mobilization Indemnification Commission Regulations (Art. 29)^{33/}
- General Mobilization Commission Ordinance (art. 50)^{40/}

Many of the provisions of these ordinances have been directed toward a more efficient organization and integration of controls already partially exercised under less general statutes, and, if the war continues, further invocation of the General Mobilization Law is probable.

Many other laws related directly or indirectly to national defense have been enacted since 1937, eighty-four by the 74th Diet alone. Many of these are mentioned elsewhere in this study. Of the remainder the following are most directly related to mobilization:

- Law for Increase of Production of Minerals for Military Use (Gunyo Kobutsu Zosan Ho)
- Resources Distribution Control Law (Shiryo Haikyu Tosei Ho)
- Machine Tools Undertakings Law (Iosaku Iikai Jigyō Ho)
- Imperial Mining Development Company Law (Teikoku Kogyo Kaisha Kabushiki Kaisha Ho)
- Light Metals Manufacture Undertakings Law (Rei Kinzoku Seizo Jigyō Ho)
- Military Horses Resources Protection Law (Ganna Shigen Hogo Ho)

On this whole, this Japanese war-time control, whether by separate statutes or by Imperial ordinances under the General Mobilization Act, has not gone beyond contemporary parallels in France and England or Western precedents of the World War period.^{41/}

^{33/} Sedoin Shiken Kenkyū Rei. August 30, 1939. Kanpō, No. 3796, p. 1237.

^{39/} Sedoin Hasei Iinkai Fitei. July 2, 1939. For text and membership of the commission see Tokyo Asahi, July 3, 1939, p. 33.

^{40/} Kokkei Sedoin Shingū-kai Rei. May 4, 1938.

^{41/} "Table of the Wartime Economic Structure" is given in the Tokyo Gazette, No. 19, January 1939, pp. 25-7.

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Revised



日本ニ於ケル政治

——活動範圍及措置，最近，傾向——

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一九四〇年。

No. 1

第一部

政府，責任，擴張

政府，責任及び活動が擴張せしむルコト，動機，多岐に亘
リ複雑にして且相互に關連し合つて居ル。若し然らざれば
其傾向はソレ等にも普遍的なモノ，デナリ又永續的なモノナ
イデアラウ。サレバ如何ナル新政策も單一な動機，ミニミヲ
歸スルコトハ出来ナイ。例へば合衆国政府が最初ニ「テネ
シー」溪谷，「ミッスルシヨウルス」ニ於テ次で同溪谷，他，場
所ニ於テ電力，開發ヲ始メタルコト。乍ら，窒素肥料，輸
入ニ對スル「アメリカ」，依存ヲ削減スルコト。不景氣な地
域，生活標準ヲ向上せしむルコト。購買力，増加ニ依リ國民
經濟，復興ニ資スルコト。肥料ヲ安價ニ供給スルコトニヨリ
農村ヲ救済スルコト。社會的經濟的改革，實驗ヲ試
ミタルコト。私人，利用ニ對スル料金標準ヲ設定スルコト。軍
用ニ使スル硝酸塩，可能供給量ヲ増大スルコト。戰時ニ於
ケル産業動員，為使用し得ル電力資源ヲ増大スルコト。
可航水路ヲ改善スルコト等ニ付テ幾多，論議が行はレタ。
日本，指導者達モソ，軍人タルト文官タルト又私的事
業者タルト問はず，頭が單純デナイ。「アメリカ」，議會
政治家ト同様デアル。彼等，政策モ亦多ク，面ヲ持ツテ
居ル。然しナガラ。茲ニ於テ，最近，立法が行はレタ時
最モ有力デアツタ動機ニ從フテ次，表題，下ニ分類
スルコトを便宜デアル。

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外国貿易、促進及取締
經濟的復興及安定
海外發展ト国内統制ト、統合
國防
社會改良
財政

一 外国貿易、促進及取締

世界大戰以前日本、外国貿易政策、極メテ正統派的アリ、関税率、輸出品ニ対スル格付、及檢閲制、実施、海運業、獎勵、貿易博覧會、見本陳列所ニ對スル國家的援助、及國際展覽會ニ参加スル等、事ニヨリ僅カカリ、保護ヲ与ヘテモタニ過ギナカツタ。

戰爭中起ツタ好景氣、歡迎サレ、無統制、マ、デ、然シ、戰爭後、十年間、日本ニ取ツテ特ニ重大ナ時期デ、戰爭、異常狀態、下ニ産業上輸出入幾多進歩ヲ見タガ、ミ、ハ充分ニ確立サレテキナカツタ、デ歐洲ニ於テ再ニ競争が始マリ、ニ特殊ナ戰爭市場ヲ失フトイフニ態ニ堪エル事ケ出来ナカツタ、世界、他、場所ト同様價格及負債組織が膨脹シテ来タ、ニ、日本、戰後、第一次ト第二次不況、間ニ本當、好景氣ニ見舞ハレルコトナカシ。

3. 世界復興を行ハレツアルトキ丁度大地震が起キタ、復興、過度、負擔が幾多、日本、財政的産業的機關ヲ弱体化シ、外国貿易ニ重大ナル不均衡ヲ與ヘ、通貨、安定ヲ

育カシタ。復興が未ダ完了シタイ中ニ台湾銀行ハ一九二七年ニ閉鎖シ強力ナ政府ノ措置ニ依リ僅ニ阻止セウシテキタ金融大恐慌ヲ促進シタ。二年後民政党内閣ガソ、苦心ニテ通貨縮少策及ビ従前ノ円貨標準ニヨル金本位制度、復治ニヨツテ復興ヲ図ツタが右計畫ハ一九三九年、突発事件即チ「アメリカ」ノ生糸市場ノ崩壊及ビ英貨ホントノ切下ゲニヨリ覆ヘタコ、永キ不振ノ結果日本政府ハ一九三二年ニ至ル迄、十年間非常処置ニ出ズル様余儀ナラセシタ。ソレハ丁度稍々後、合衆国政府ノ状態ト良ク似テ居ル。然レ日本ハ非常ニ外国貿易ニ依存シテキル爲ニ最近、アメリカノ立法、大ナル特色ヲ爲ス様ニ国内的処置、ニヨリ復興ヲ図リ得ルトハ考ヘウシタカシタ。外国貿易ノ促進ガ必然的ニ凡ソ日本復興案ノ主要ナル部分デアッタ。

コノ復興案ニ於テ関稅率ハ大ニ役割ヲ演ジタカシタ。何故アラバ日本ノ関稅政策ハ常ニユルヤカデアツタカラデアアル(註)

明治維新以來多年、間不平等條約ニヨリ五分ノ稅率ヲ課セウシテキタ、デコレニヨツテハ殆ニト收入ハ入ラズ又保護ノ効力ガ少ナカッタ、デ日本ノ関稅政策ハ緩カテラサルヲ得タカッタ、デアアル。コレ等制限ガ撤廢セウシタ、デ一九一九年及ビ一九二二年ニ日

本ガソ、関稅率ヲ下ゲタコトハ極メテ當然デアッタ。

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然し日本が原料品、輸入に依存してナルコトと食料品、價格ヲ勤勞者階級、爲一定、範圍内ニ止メテシバナラヌコトカ、増額ヲ制限セバナラナカッタ。多ク、西歐諸國ト同様日本ハ世界大戦後及タラビニク税ヲ採用シ戦争状態、下ニ繁栄シタ新興産業ヲ保護スル若干、計画ヲ樹立シタ。一九二六年、関税率、改定ハ此等、改革ヲ綜合スルモノニ他ナラナカッタ。一九三三年ニ行ハル最後、一般的改定ハ價格、変動及ビ金輸出再禁止、必要カラ、爲サレタモノデアル。右、改定ハ、後、改定ト相俟ツタ多ク、其ニ於テ保護、強化ヲ計リタモノデアル。然レ概シテソレハ或ル經濟學者が主張スル如ク自由貿易ニ等シイモノト述ハ言ヒ得ナイトシテモ相當ニ自由ナモノデアル。日本ハ強度ニ外国貿易ニ依存シテナル國ニトシテ不便デアリ不適當ナ政策タル輸入防止的関税ニ依ラズシテ貿易協會、爲替管理、及ビ半官的独占等、一層彈力性アリ効果的ナル手段ヲ求メテ来タ、デアル。

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貿易組合

日本長き傳統^(註三)有る貿易組合、一八八四年農商務省
依り公布せし同業組合準則又一九七年、重要輸出品同
業組合法、更一九〇〇年、重要物産同業組合^(註三)依り
法の認可せし。此等初期、法令及組合、主要目
的、輸出品検査及標準化——即ち海外市場^(註四)發展
促進ニ必要ナル対策——ヲ爲ス。然レ此目的、専ら政府、
組合ニ付シ或程度、法的援助ヲ与ス。例ヘバ一九〇〇年、法
律、或事情、下テ、同業組合員タル事ヲ強制的ニ規定シ
タガレ、一方價格、協定、一九二七年ニ農商務次官、依り禁
止セシ。

私營企業者及官吏、共ニ同業組合、強化及増加ヨリ貿
易沈滞ニ対抗シ得ル手段ト考ヘタガレ^(註五)。一九二五年
ニ加藤高明、所立内閣、重要輸出品工業組合志及輸
出組合志ヲ制定シタガレ、其、輸出品、製造及輸出品
自身、公私兩方面ヨリ、統制ヲ強化スルヲ認可シタガレ
タ。註六、此等、法律、下ニ於テ、二、組合、海外代理店
及市場开拓市場、調査及促進、原料、共同購入及檢
査分類格附、包裝梱包等、追加的共同業務ヲ
行フヨリニ奨励セタガレ、代リ同組合、協定、大臣、認可
ヲ受ケル事トナシ。其組合、或共同作業及ニ調査機
関ニ付スル國家的財政援助、法律上ニ於テ、タクトモ事實
上組合員タル事ヲ強制的ニシタ。一九三一年ニ輸出組合法及ニ

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産業組合法、組合村、財政的、力、子、此、爲、改正、
即、其、組合員、預金、受入、聚、産、目的、爲、貸出
金、ナシ、且、輸出、事務、村、金融、事、可能、ナシ、
ナシ、組合、又、輸出、時期、地域、量、及、價格、村、規則
ヲ、決定、スル、権能、子、ナシ、主、務、大臣、貿易、發展、又、國
家、利益、擁護、爲、必要、ル、場合、局、外、者、村、モ、組合、協定
ヲ、強制、スル、権力、子、ナシ、(註) 合理的、基礎、上、立、外國
貿易、統制、セ、ト、スル、組合、能力、漸、ク、大、ク、増、大、ナ、一、方、故
府、國家、利益、爲、取締、ル、権能、更、子、ナシ、(註) 業
組合、並、之、ヲ、統制、スル、立法、一九三一年、以來、ナシ、活用、ナシ、
タ、
ソ、
ハ、西洋、諸國、需要、應、
日本、輸出、果、氣、
歩、調、合、セ、ル、事、ヲ、妥、協、ス、ル、爲、ナ、
一九三三年、後、
日本、輸出、果、數、
増、加、行、外國、不、評、買、
何、ト、
之、既、不、果、氣、
若、
年、
商、業、
余、計、
若、
ナ、
一九三三年、及、一九三四年、
日本、商品、
村、
ナ、
特別、
同、
稅、
計畫、
輸入、
割、當、
輸入、
禁止、
之、
類、
ス、
差、
別、
待、
遇、
會、
成、
數、
日、
各、
大、
陸、
及、
石、
ト、
金、
國、
及、
植、
民、
地、
ヨリ、
報、
告、
ナ、
斯、
如、
其、
討、
策、
比、
較、
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理、
由、
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擁、
護、
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表、
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タ、
ハ、
日本、
貿易、
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又、
社、
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日本、
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的、
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準、
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又此目的、爲輸出組合、本任親是有り、(註九)
其例、數多アル。一、三四年初期、商工大臣、米國向、電
球及、輸出業者、對、價格統制、爲、沮潰、作ルコト
ヲ督促シ、一、三四年四月、三、消及、シ、白、紙、行、輸出業者、が
價格統制、開始スルコト、決定シ、一、三五年六月、二、リ、カ、向、々
木綿糸、及、木綿織物、輸出品、量、上、價格、上、統制、スル、タ
二、輸出組合、ヲ、沮潰、スル、計畫、が、発表、ナ、タ、一、三五年六月、二、
商工大臣、日本、莫、大、小、品、輸出組合、對、二、英、領、東、印、度、
英、領、北、米、不、才、海、峽、殖民地、ニ、二、キ、マ、向、々、物、資、量、及、
價格、ニ、更、三、嚴、重、統制、ヲ、實施、スル、様、訓、令、シ、タ、
一、三六年八月、陶器、輸出品業者、之、廢、止、域、ニ、更、リ、統制、
スル、ヲ、命令、サ、シ、タ、一、三六年十月、三、綿、輸出品價格、更、三、嚴、
重、統制、が、發、せ、タ、又、一、三六年九月、三、強、制、的、規則、カ、
一、自、輸出品、ニ、適用、セ、タ、タ、

量的制限或時、此種運輸的措置トシテ又或ルキ
私的文外交上交渉の結果トシ行ハシ例ハ一九三四年一月
日本人塩酸製造者団体硝酸ニモ輸出ニ関スル歐洲
企業カカルル協定ニ調印シタ一九三五年七月更迭一九三四
年四月鉅額輸出貨者聯合会米國向輸出三月二付
一五〇〇〇クモ制限スル事決定一九三四年五月日英貿易
業者六社トシ於テ協定結ビ日本電球英國輸出會
合ウ定タ一九三五年十月米國務省日本綿製品北島ヲタル輸出
制限關ニル年間紳士協定發表シタ一九三五年七月再延期
カカル量の制限價格制限ヨリモ甚大影響著ク及ビタ
シハ量の制限注文ヲ貿易会社ニ對シテ專手優
待ニ工場生産額割ラガ始メバ

PURL: <http://www.legal-tools.org/doc/e>

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再び留意スベキハ斯う、如キ制限ハ強力ニ組織サレタ組合
制度ナシトシテ、之ノ適用ハ甚ク困難ナリトシテ、之ヲ
イフ事ナリ。言フ所モ、此等ヲ必要ナシトシテ、日本人
ノ統制好キハ、外国ノ圧迫ナリトシテ、
統制ガ、後發展スル、海外ニ於テハ各方面ニ表
日本ノ特定ノ國ト、相互貿易場ノ平衡ニシテ、主權ニ在
（此ノ或ハ、又、海外ニ於テハ日本ノ購買員ニ貿易ナシ
キ、談判ニ利用スルタメ、必要ナリトシテ、此關係ハ一九三
三年ヨリ一九三五年ニ至ル間、多クノ通商ノ新条會議
契約ニ見ラレリ。日本ノ通商平等化協定ハ一九四一年十月廿六日
「フィリピン」ニ於テ調印サレタガ之ハ、日本ハ「フィリピン」ニ對シテ
價格、カウチゴムヲ買フベシト、前年「フィリピン」ノ規定、
結果ナリ。「フィリピン」ニ對シテ一九三五年六月日本ハ「フィリピン」ニ對シ
テ賣ルベシト、商田ノ價額、二五パーセント以下ヲ賣ル、此國家
カ、輸入ニ對シテ「フィリピン」ニ對シテ課セシメ、重關稅カ、日本
商田ノ賣價セシムルタメニ足リ、程、之ヲ「糖及胡椒」
「日本商人購買人」ニシテ提議ス。
日本ガ「フィリピン」ニ對シテ、政府ト、内ニ於テ
日本側賣價ヲ協定セシメ、之ハ「フィリピン」ニ對シテ、主權品ヲ買入ルナリ。
「契約」ハ一九三六年八月廿六日「フィリピン」ニ對シテ、取極メ、
最近、改訂即チ新ニ交換主義ニ基キ、心的條約ニ本
一九三九年七月ニ調印サレタ（註一〇）

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他ノ小国ト同様ニ契約ニ交渉ヲ要スル必要アリ
重要ナル印度南領東印度ホーストヤ「カダ」セル「ド」
又「ド」ト「カ」間ニ「カ」モ「ド」モ「カ」(註十一)
大分遲ニ一九三四年七月十二日ニ調印サレタ日印協定ニ余リ
高クナク税ヲ印度ニ課スル日本綿織物品ノ量ハソノ以
前ヨリ次ノ時期ニカクル間、日本輸入ノ印度原料棉ノ量如何
ニヨルコトヲ定メタ一九三五年三月ノ條ニ協定モ同様ナルが
タ、日本ニ定量ヲ輸入スル代リ「カ」セル棉輸出高ノ六割
五割五厘輸入シト引換ケニナル場合、例外ナル(註十二)
此等ノ協定ハ統制ノ要件ヲ殆ト全部日本ニ負ヘ、日本
ノ法律ニヨリ「カ」行ハルモノナリ。例ヘバ印度協定ハ先
一九三四年一月ニ發令ノ商工省令トシテ現ハ、印度向ノ輸出
綿織物品ハ總テ證明書ヲ要スル事ナリ。(綿織物印花輸出
證明規則)次ニ一九三四年三月(日)日本綿織物印花輸出
組合、成立ナリ、コトガ必要ナル統制義務ヲ行フ事ナリ
(註十三)
自由貿易ニ對シテ護美ト現今ノ資源ノ分配ノ合理性トイフ
可ク「カ」ク「カ」ノ主張ニ鑑ミ鹽味深キ事ハ英國植民地
政策ハ日本ヲ予儀ナリ、不便ト國家的統制ヲナシ、自
ラハ植民地ノ領有スルが故ニコトヲ免シ、又ハ其期ニナル事ナリ。

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蘭印ト、更ニ複雑ト通商ト、紛争が起ルヲ幾多國
ヲ動員シテ交渉ヲナスタメニ盡力シ又、結果、割當ノ公平
ト実行ヲ促進セシメ、シテ、斯ク在リヤ、日本ト
商人ハ組織化セシメ、蘭印同々、海上輸送路ハ強化シ日本ノ陶
器綿織物及輸出業者ハ初メボイコトヲ行ヒ次ニ割當ノ実行
シ。(註五) 一オーストリアト交渉ニ成功スルヲメニ、海
上輸送路ト綿織物業者ト、協力ニシテ、羊毛及織物業者
ト織物製造業者ト、協力モ又必要アリ。滿洲國ハ
オーストリアト、生産品ニ付スル報復ニ協力スル事ニ同意スル時
ノ影響ハ廣範圍ニ及ブ。アツキ、同運輸業者モ入リ、又
代用品供給ヲ確保スルヲメ、又、英國アリ、其、駐在員
入ニ新ニ制限ヲ加ヘ、アツキ、田舎ニ、先廻リヲスル計出、
一部トシテ、日本輸出業者(縣々)ハ、力ヲ、同地、置キ、
日本が羊毛ヲ輸スルニ、補助金ヲ得ル事ト、自今、
課税多シ。(註六)

一九三五年、付、オーストリア問題及、一九三六年、付
オーストリア問題、結果トシテ、新ニ、貿易調節
及通商權保護ニ関スル法律ヲ適用セシムル事ト、
報復的關稅ヲ許可ス。(註七)

新ニ付、獨逸ハ、協定ニ付スル日本側、統
制ニ、各協定國ニ付シ、負担割當ヲ引受クル
能力及ビ、意圖ヲ有スル、理由アリ、所謂自由
主義國家ニ付スルニ、比シ、ヨリ寛大ニ、
付スルコト

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十命票、元二定心 一九三六年四月三十日 附、滿銀協
定一九三三年五月更新、一九三六年九月十四日
改訂(註十二)、本領三格、三角關係、大
、天銀逸側、封鎖定準(スロクト、マーク)及
、特殊勸定準、措置ニ依リ、強行スラシム。註
十三 一九三八年二月五日 附、自洞伊協定、
本々、側ニ在リ、特殊勸定ニ依リ、統制ニ在リ、註
但、兩協定兵民同取引ニ對シ、許可制、實施ニ必要トス。
一九三九年十月末、分ニシテ、濠洲ト、最終協定、新
要素、振起ス。即チ日本、金羊毛輸入量、三令、ニシテ、
形、購入スルニシテ、約、反面纖維品輸入計、ニ年同
五、三五〇〇〇平方碼、任意制限、續々居リ。(註十四)
然、年々確定的、購入比率、維持、輸入許可制ニ依リ、
可能トスルニシテ、外國貿易、同ニシテ、為替管理、實
施、説明ニ必要トスルニ在リ。

為替管理

通商振興及調整、多、為替管理、以英米、於、行、
ニシテ、為替及、為替安定資金設定、如、亦、ス、始、
ト、ニシテ、然、年々、力、同、稅、等、同、樣、緊、迫、
事情、下、於、ニシテ、得、ニシテ、言、得、ニシテ、日本、於、ニシテ、資、
及、資本、及、之、日本、米、國、氏、ヨリ、海、物、通、商、的、財、
政、的、立場、普通、外、ニシテ、貿易、制限、内、ニシテ、軍、需、景、
氣、依、ニシテ、起、ス、ニシテ、不足、及、消、極、的、外、國、貿易、直、

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面より資本、逃避を防止し、且、安定通貨、維持を可能ならしむ
るに必要なりとす。
一九三三年十月、金輸出禁止再実施後数ヶ月に於て、資本逃避防
止法に実施せられたる本法に依り、為替取引、同銀行、報告、強制
的となし、幾許に於ては、本法に代り、より強き外國為替管理法
たるが実施せられたるが、同法は、一九三三年三月議會採択せられたる
以後、殆ど凡そ、為替関係命令、基礎となしてゐる（註三十一）
外國為替管理法は、外債証券及債券、取得並に、然る信用
状、發行及び取得、外國居住者、信用附子証券、輸入
代金、全部又は、部分外國為替、対商として、物品、輸出、禁止
又、制限し、政府に許しを居るが強制し、居る。本法は、外國為替
取引、日本銀行、其他、特定銀行に統一し、又、外債証券、為替
會、決定の價格、以て為替証券、通貨等、政府へ、強制
賣却を要求し、得るに制限し、政府に与へてゐる。外國為替
管理委員會は、本法に依り、政府に助言を与へるに及
び設置せられたる。本法は、一九三七年九月、改正に依り、強化せられ、海外
に在る又、海外に於て支払はるべき資産、徵收を容易ならしむ。
（註三十二）

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一九三七年一月八日迄、為管理法、大ニ適用
 した。此、盧溝橋事件發生前、既ニ輸
 超過が甚ク、同價維持、タメ金輸本が差迫
 った。日、月額三万円以上、輸入品支拂用為替取組、許可
 要スルニナッタ（註二十三）制限外限度、新施行
 命令ニナリ、逐次引下ゲラシ一九三七年七月七日ニ、一
 円ニ同年十二月ニ、百円ニナッタ。日本人海外旅行
 者、信用貸及他國在住者、送金ニ對シ、同様、
 制限施行、シ、益々強化シテ作ッタ。一九三七年七
 月ニ、金輸本及ビ、為替勸定、報告更ニ外國為
 替、裏附ナキ輸本、對シ、許可ヲ得ルコト必要トナ
 タ。一九三七年十二月ニ、為替管理法、改正ニ依リ、在
 外邦人財産、國を處分又、擔保契約、許可ヲ要
 スルコトナリ、且、外國於リ、投資及ビ事業ニ對シ、報
 告、強制的トナッタ。斯クシテ、右、處置ニシテ、政府、嚴
 格ニ外國為替管理ヲ可能トナッタ。中國ニ於テ、戦争が
 勃發シ、カ、更ニ諸處置ヲ執ラレタゲ、ナッタ。

右、中、最初、處置タレ、貿易及關係産業、調整
 ニ關スル法律、が一九三七年八月、第七十一議會ヲ採擇
 した。同議會、盧溝橋事件發生前、召集サレタ。ナッタ。
 同議會開會、七月二十四日、事件發生、七月七日
 同法、條約ヲ履行セ、トスルモ、國際收支、適合、國ニ
 不、通商條約ヲ改正、同法、貿易上、弊害ヲ

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矯正トナリ中心トシテ又、國民經濟、健全ナル發達ニ圖ラントスルニモ政府が輸入、制限又、禁止コトヲ行ハシメテ注ニ付ス。斯ル制限が採用ナリシ前ニ行ハシテ同ラ受ケルに貿易委員會ヲ設ケラシメ又實業家、組織スル統制協議會ヲ同法、適用ニヨリ必要ナルモノ民同利益、調整助長、ナリ設置ナリ注ニ付五。輸入統制、一九三七年九月二十七日臨時議會ヲ通過シ、輸入品等、國内臨時措置ニ關スル法律ニヨリ、範圍ガ廣マリ且、國內、配給、使用、迄統制ガ及ビタリ注ニ付六。同法、規定ニ基キ約二百三十一項目、商品輸入ヲ禁止スル省令ヲ公布シ、又同法、主要商品即チ銅鉄屑等、配給ヲ強制、特殊機關ニ使ハシメ、該項根據ヲ與ヘタリ注ニ付七。臨時資金調整法、基キ一九三八年四月ニ公布サレタ大藏省令ニ依リ五百円以上貿易外為替取引、報告ヲ受ルニ注ニ付八。

日華事變、初期同中ニ於テ此、極端ニ輸入統制ニ輸入產業殊ニ纖維產業、必要性アリ、適用ニ考慮ヲ得、又ニ適用サレタ、其、結果、棉花、レイヨン、バル、不足トナリ、輸入ニ重大ノ障害ヲ來スニ至リタ。必需軍用資材、輸入ニ當リ得ルニ為替、下落ガ早速ニ感ゼラレタ。(注ニ付九)此問題、解決スルニ為メ一九三八年、復興リック制ガ始メ原料、輸入ト其、原料ヲ造ッタ製品、輸入トガ、リック制トナリタ。即チ棉花ト綿絲並ニ綿布、バル

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トし、之ヲ 脈毛ト刷毛等、如クナリ。各製造家、既ニ
完了ニテ輸送ニ定期間中ニ製造迄及輸送ニ爲ス。現納
ト、双方ニ基礎トシテ輸入ガ許可サレタリ。リ、之ヲ制、用
始、三億円日本銀行豫備金ニ特別運轉爲替
基金、設定ニシテ可能トシ、之ヲ制、數多、事務
的困難ニ果分ラニモ拘ラズ、効果的ニ爲替統制ヲ行
ス事、之ヲ輸送産業、假立ラナラズ。(註三十一)

爲替取引、許可制、輸出入品、特殊制限並ニ
之ヲ制ガ、日本、戰時對外爲替統制上、一段階ナラズ。
他、促進並ニ統制措置上、同様、何レモ大藏省、商工省
或、日本銀行職務過重、職員ニ餘命、任事ヲ負
擔ナラズ。何レモ亦外國貿易及之輸、入同製造、從
ラズ、個人或、会社同、利潤調整、行フニ必要
ナリ。此調整困難、排他的、且、人ニ嫌惡
起ラセシムル。其、簡易化對外處理ガ政府統制下
、排他或、半排他化、何レトモ舊傾向、再現ニ於テ有
要ナラズ、之ヲ思ハシ。

半富共同專賣予業

貿易發展上、方志ナリ、專賣予業、現在、
日本ニ取ラズ、或、他國ニ取ラズ、何、價值ニ付テ
之、方ニ取、數箇、例ニ就、其、視、的觀察ヲ行
フコト、其、設立増加ニ求メ、中、理由ヲ明ラカス、假
ニ、之、方、專賣予業、海運産業、木産産業ニ

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於テ持ニ顯著ニシタガ、今テ、他、方面ニ是速ニ展開ニシ
ルヲ思ハシム

日本デハ、海外海運ヲ業ハ、永年政府、補助ヲ受
リテ来テキル補助法一トシテ、郵便契約トリシヲ制
シテキルハ、質的並ニ量的發展ニ向テシテキル且、強
大ナル商船隊ガ國防ト國際ニ拂額、有利ニ均衡トシ、貢獻
スルコトヲ考慮ニ入リテ實施セラシメ来タガデキル。此法律、詳
細ニ説明ヲ要シテモデキル、何故ニバ、此、他、海運國ヲ
通用セラル法律ト非常ニ類似シタモデキルカラデキル。然
前、一層興味スルコトハ、来テ、國家、所有ト運用シテキルヲ
モ拘ラ、日本政府、條々ニ補助金ヨリ、一層經濟的ニ、効
果的ナル海運統制方法ト押進ガコトデキル。

航路、合理化ハ、第一階段、フデキタ、最初、政府、唱道トシ、
民間、合意デ成立シタモガ、今テ、一九三六年五月議會通過
シ同年八月一日ヨリ、効力發生セシ航路統制法、下ニ法的
實施シ得ルガデキル。

該法、航路統制委員會ヲ規定シ、キル特殊海域ニ航
航スル航路、合併、紛争、例ハ、蘭領東印度
及ビ濠洲トニ於ケルガ如ク、一層効果的ナル競争及ビ交
渉、對シテ、一手段トシテ、都合、ヨクモデキルコトガ知ラシク

(註三十二)

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戰爭以來七船舶會社、統合體タル船舶統
制自治委員會ヲ通シ船舶、運賃配船ヲ調
整スル能ハル限リ統制ヲ實施セシメタリテアル(註
三十二)然レニ政府、臨時船舶管理法下ニ遠洋航
海船舶、徵傭傭船配船運賃等調整スル
絶對的法的權力ヲ掌握シタル此、統制ヲ一層效
果的ニスル爲持ニ戰爭、諸要求及ビ日本、重工
業、新發展、タメ課税重キニ過ギタ航路ニ對シ、
持此、統制ヲヨリ效果的ナラシメタメニ、新國策本
會社が最近設立セラレタ事即チ一九三九年五月設立白
本海運會社及リ他、同年八月設立ニカニ東
亞海運株式會社等、夫々日華間、海運事業
ヲ独占スルニシアル(註三十四)水產事業及ビ海運事業、
密接ニ關聯ヲ持テ相似、傾向ヲ示シ来ラザル、日露
海運會社、國家多後繼ニシテ企業者タル、好例ナ
ルハ、日本ニシテ、他、如何ニ國ニ優ツテ重要
ナリ産業主ニ海運業、貨物金輸品、強引調査及
ビ技術的援助ヲ通シテ長ク國家、保護及ビ指導
ノ下ニアルニシアル然レニ、北洋ニ在リ海運業、在リニ
、特殊ノ問題ニ出サレタ、即チ、毎年、(運賃競賣
ニ際シ、)海運業權及ビ、國家、独占、拒
抗スルニ要性ヲ有シ、慢性的紛争、保持ヲ好調
ナラシムル爲、海運業及ビ海運ニ關スル制限並ニ
後者ニ關シ北洋及ビ北洋海運業ニ從價及ビ、

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間、利益、複雑なる調節に示る。是等、問題のこ
や、海域に於ける日本、全漁業関係業者の統一、協
同体、合併に事、依り解決容易と有り得ん、是
此、実、鑑、日露漁業、他、全規模業者、
統合が一九三五年初頭、この成就スル迄日本政府
は、積極的、推進せしむ、是(註三十五) 一九三五
年春、採用ナク、北洋漁業取締法、同一方向
へ、(舊)資力促進スル、活動、解、諸工、
合スル、大に合併、こと思、う、か、る、モ、デ、(註三十六)
難、多、分、野、に、於、て、更、二、三、の、例、が、序、々、増、え、
に、と、見、え、る、に、此、傾向、を、完全、に、捕、え、る、に、う、う、大
日本、輸、出、会、社、に、一、九、三、三、年、八、月、大、阪
に、設、け、製、衣、造、業、及、其、他、衣、品、輸、出、一、多、を、引
込、メ、ソ、レ、に、依、り、連、鎖、制、度、の、機能、を、容易、に、メ、ス、
輸、出、業者、が、双方、に、依、り、設、け、し、タ、モ、デ、(註三十七)
他、の、商品、を、取扱、う、同、社、の、會、社、も、傳、へ、ら、る、に、所、
(註三十八) 一九三八年末頃、商、工、省、が、發起、を、以、て、後
日本、木材、輸入、會、社、の、創、立、を、決、め、タ、(註三十九)
ソ、の、目的、を、ウ、チ、に、空、中、に、お、も、こ、し、法、ノ、下、に、組織、を、
「アメリカ」の、木材、輸出、業者、に、對、ス、ル、而、一、層、目、の、購買、力
ヲ、始、メ、ト、シ、日本、輸入、は、母、物、資、評、価、並、に、取引、許可
并、行、簡、易、化、が、ウ、タ、一、九、三、九、年、大、阪、日本、海、産、物、販
賣、會、社、に、於、て、輸、出、販、賣、統、一、を、爲、ス、農、林、省、並、に、商
工、省、の、共同、監、督、下、に、設、け、タ、(註四十)

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斯ルル會社、一箇個人利益、以管理及調整ヲ主トシ、
個人ノ手ニ殘リタル便宜且効果的ノ統制ノ方法ヲ與
ヘ様ニ思ヒニ付、思フ、ソノ結果、今後數年間ニ倍
加スベシトウ(註四十一)
自國ノ貿易ヲ増大セシムル日本、希達ハ他、總テ、
國々モ共ニ通商所ナリ。日本ノ方法ノ大多數ニハ十分ニ
前例ガハレタ。而モソノ慎重勸セトスル度母ニ更ニ政府
ノ統制ヲ付ケル。是、其ノ直接目的ハ海運ニ在ル
如ク方法、經濟化、北方貿易及木材事業ニ在ル如ク
購買力、增強為共同管理ニ在ル如ク、通商安定
ノ維持、木棉販賣、削減ニ在ル如ク、海外、要感情、
回避ニ在ル如ク、又歐洲ヨリ、羊毛買入、削減ニ在ル如
ク、國際協定ノ履行ニ在ル如ク、莫定テ付ケル。其ノ
ハ、最モ直接ニ關係スル國ガ十分迅速ニ「ソウエロ」
「ソリヤ」等任然治領英國自領、將又合衆國等、
アトモ何等認メテ別ノ設ケルカ、何レ、聯合ニ
實錢助成金、急務通商資金等、如キ間接的手段
ヲ總テ、認可及政府命令ニ依リ、直接の統制ニ
向テ、分明正大且着實ニ傾向ヲ看取セリ。而シテ、何
レ、場合ニ政府監督下、私的、獨斷カ、ソノカギトニセ
ラルニセシ。將又新ノ團體等ニセシ。最モ可能ニ結
果、様ニ思ヒニ付(註四十二)
斯ルル傾向、全體經濟、(部面ニ局限セリトモ、)
テ、統制、假ニ價格ト生産、量、即チ、依リ、トモ、直接ニ
依リ、トモ、然レ、外國貿易、而シテ、內國貿易、擴大セリトモ、
其ノ、然レ、是等、內部狀態、現在、我等、取掛、

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復興の安全、要項二二 (富田、関税と安全)

(註二) 日本関税政策、概要及び一九二八年、関税平
均率ヲ示ス表三、経済学辞典第四卷二〇二
一五頁 富田永二 著 讀「日本関税政策」

必照

(註三) 社会学辞典中、日本ニ関スル記事二、
「G. C. P. S.」、第二章ニ成ル日本ニ関スル章が合点シ
ル。組合初期、歴史ニ付テは、昭和十有年益々
領ヲ取ル事ニ向 (一九二三年「口」之版諸方書
著、日本ニ於テ共同組合運動」ヲ必照、二ト

(註三) 法律学、辞典中、法律信介ニヨリ「重要物産
同業組合」第二卷 一四六—八頁ヲ必照

「以下次頁」

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(註四) 準則、公第、八、八、三年、合衆国ヨリ、低級条、輸入防正規
則適用ト直接關係ヲ有ス。高橋電言著「日本統制經
済論」一六六頁ヲ参照。

(註五) 一九三五年、対策、衆議院、全貨一致ヲ決シタ。

一九三五年三月十八日附東京朝日一八一三。参照。

(本問題) 是ヲ東京朝日ニ因シテ、全ヲ縮刷版、日附ト
頁ヲ使用ス。

(註六) 一九三五年、法律、要約、一九三五年二月一日、東京朝日
一一七ニアル。一九三三年ニ発布サシタ輸出組合法及其、
施行規則、一九三四年東京版、谷口吉彦著「貿易統
制論」、附録一及ニアル。

(註七) 一九三二年、改訂、一九三二年一月十日附東京朝日(十一)ニ
要約サレテアル。

(註八) 日本側、立法、反トラスト法、制限カラ輸出組合ヲ除外スル
一九二八年、合衆国「ウエブーホタリオン」輸出貿易法ト
關係ナキニシモアラズ。然シテガラ日本、合衆国ヨリモ更ニ
輸出組合ヲ強化シタ。ソシテ權力濫用ヲ防止スルニ就
テ、法律ニヨリ規定ヨリモ寧ロ裁量、行政監督ニ
賴シタ。(一九三二—五年) 世界大戦後「エーランド」ニ
設置サシタ輸出統制會議ト比較。

(註九) 共同組合ヨリ貿易統制、谷口吉彦著「貿易統制論」
二七一—三六頁中ニ良ク説明ナレタリ。

(註十) 「トランスパシフィック」一九三九年八月十日十七頁

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(註十二) 最近、協定及びその関係問題、一般的論議、就中、
「東洋経済」一九三九年九月、第六卷、五九頁—九三頁所載
「最近三ヶ年の日本と通商協定」を参照。

(註十三) C. N. グラキール及びD. N. エルスト共著「日印通商関係
ロンドン一九三二年、一七頁—一六頁を参照。

(註十四) 日印協定に関する谷口吉彦著「貿易統制論」
一四頁—一五頁及び「経済学辞典」附録、九頁—一頁
の載尾形繁之「オガタハシ」日印貿易問題」を参照。

(註十五) 「フー・イ・スタンサ」四卷十六、一九三五年八月十四日—二九頁
二〇頁所載「リッパム・フー・イ・スタンサ」日蘭貿易再開」を参照。

(註十六) 「東洋経済」十一卷十三号、一九三五年十二月十四頁—十六頁
所載「南阿羊毛購入、為、共同計算」同書三卷
七号、一九三六年七月四二〇頁—一頁所載「豪州羊毛
ボイコット」フー・イ・スタンサ」五卷十六号、一九三六年
七月十九日—七三頁—三頁所載「日本羊毛補給と対
豪州紛争問題」を参照。豪州と、紛争、物々交換
協定に依りて解決シ、一九三六年十二月二十六日交換
覚書に記シテあり。現代日本、五卷四号、一九三七年
四月七〇〇頁—三頁に印刷シテ有ル。

(註十七) 貿易調節及通商権保護に関する法律、日本語正文
に谷口吉彦著「貿易統制論」附録三ニ有ルが如ク
上、紛争解決ノ事、一九三五年十二月二十五日交換シ、
覚書ニ有リ。現代日本、五卷四号、一九三六年三月二二頁
—二五頁に印刷シテ有ル。

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(註十七) 一九三六年六月六日附オリニツタルニミスト

オミ三卷オ六号オ三四頁及ビ一九三八年十月二十六日附

アリニミストオ六号オ七卷オ二一号オ三四一五頁

「ルト・フロリ」執筆東亞ニ於ケル日独提携ヲ参照

一九三八年ニ於ケル協定ノ正文非公式雜誌一九三九年

版日滿年鑑オ八五七一八頁ニテリ。

(註十八) 一九三九年七月二十九日附アリニミスト日独暫定通商協定

締結セラルルニテリ、條項ハ未ダ公表セシメラズ。日滿独

間貿易ヲ一対ニ基準トシ均等化スルニテ規定セル

モノト謂ハレタリ。一九三九年九月九日附オリニツタル

ニミストオ六卷オ九号オ五九四一六頁所載日独

通商協定ヲ参照

(註十九) 一九三八年八月二十日附滿洲日報オ一八頁掲載

正文非公式雜誌ヲ参照。右、但一九三八年六月六日

附オリニツタルニミストオ五卷オ六号オ七一

頁及ビ一九三八年七月五日附トリニミストニテ實

ヲ参照。カル協定ハ日独協定ニ対シテ殆ンド同年、

關係モ有サカシタリ。一九三九年十月、ニウジランド

獨逸間ニテ類似セル互恵通商協定締結、

事實ヨリモ窺フモノガ出来ル。一九三九年十月

ニミストレコード(タルボルン)オ五卷附録オ四頁

所載ハ一字不明ノB. サツ執筆ヲ以テ協定

ニテ後ヲ参照

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(註三十一)一九三九年七月六日附トランス・パシフィック・ボート四〇頁

(註三十二)一九三九年神戶港約ノイン・一字不明ノ丁・セバルト著

日本取急急法律選集第一一五頁改載本誌正文

英訳参照。検討ノタメニ、経済学辞典補遺

第七十九一八十一頁改載金原賢之助執筆「爲替

管理参照。其他法律学辞典第一卷第一六四

五頁改載青木一男執筆「外国爲替管理法」

(註三十三)施行令正文ト其検討ノタメニ東京朝日一九三七年

一月八日第九頁及同紙一九三七年一月十日第一三四頁参

照。又フアイースタン・サ・セイ一九三七年五月十三日

第六卷第十号第一七一頁改載「エリザベス・

ブーデー」執筆「日本、外国爲替問題」鍵満洲国

並同紙一九三七年五月二十六日第六卷第十一号第一二七

一三三頁改載「政治ト圖」参照

(註三十四)同改訂法、日本語本文ハ東京朝日一九三七年九月五日

七頁附三改載、尚同紙一九三七年十二月七日附一〇三頁及

一九三七年十二月十日附一四八頁改載参照

(註三十五)新西蘭モ大抵同様、理由第一九三八年十二月輸入

許可制ヲ採用シタ。経済記事(メルボルン)一九三九年

十月第十五卷附録第一八頁改載「B.R.ターナー」

「国家ト産業」参照

(註三十六)日本語本文ハ東京朝日一九三七年八月十三日

第一九三頁英訳文ハ叙述「シバルト」第一五九一

一六三頁参照

Ref Doc 598(11)

(註二十九)

當時ノ貿易問題ニ関シテハ、M. S. フーレイノ「日本外國貿易於ル戦争衝突一九三九年五月廿四日發行」極東概観第八章十一節三三一八頁參照

(註三十)

石口吉彦ノ「日本ノリテラ制及日本ニ於テリテラ制ノ發達」天々一九三九年四月及七月、京都大學經濟詳論第十四卷二及三號參照。一萬噸ノ新造艦ヲ「ラジール」ニ輸出シテ許可シ其ノ代價トシテ同價格ニ充分原料及ビニガ五千噸ノ白船腹ヲ輸入スト云々興味リテラ制カ、テ、右食糧當時ノ戰時經濟ニ於テ我カ海運政策一九四〇年一月發行、太平洋五七十一頁ニ於テ報セリテナル。尙一九三九年十月五日、トランスバシフィック第一頁ニ參照。輸出ノ日本紙ト輸入マニラ麻並ニ輸出ノ索鋼ト輸入麻及ビ黃麻間ノリテラ制カ一九三八年八月二十七日東京朝日三六〇頁ニ報セリテナル。

(註三十一)

本委員會ノ任命ニ付ハ一九三六年八月一日東京朝日第九頁參照。

(註三十二)

一九三九年六月一日附「トランスバシフィック」三三頁參照。

(註三十三)

本法ハ一九三九年一四〇年ノ日本年鑑二九二頁一三頁ニ略記サレテナル。海運政策一般ノ論議ニ関シテハ「太平洋一九四〇年一月號」第一卷第三號六八頁一七三頁所載ノ

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洋木材貿易ニ對シ一層、打撃、

(註四十)

「風太平洋」紙(一九三九年七月六日、三十一頁)

(註四十一)

戰後日本外國貿易、經濟面、有益ナル論文カミヤン。
S. P. ーイ、戰後情勢ニ於テ日本貿易擴張、問題、中
ニ記述セラル。一九四〇年「イ・ビ・ア・ニ・イン・イ・ア・ニ・ニ・ス」
「ニ・ヨ・リ」

(註四十二)

國策會社ニ對ス傾向ハ一九三九年四月四日發行、改造
第二十一卷九三頁―九頁「ハ・ウ・ヤ・イ」氏ハ國策會社、記述ス
ルト題ス論文ニ述ベラル。國民ハ最も重要ナル諸會社、株
式ヲ政府ニ有ラルヲ割合ニ就テ詳細ニ説明セラル。

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業、大規模、又強力な資本、部門が重要産業統制法、
許し規定され、此、法一九三三年八月に實施され、(滿洲事
変前)自由民政黨内閣、許す。此、法、目的、重要産
業に於ける生産者間、自治的協定を改め、勵行を得る
に様子を産業界自肅し、便する事と及此、様々協定を對公
、國人に通知するを意する事を保證する事とす。此、様々類
例、一九三〇年英國、炭礦法、一九二二年獨逸、カルテル法、一
九三三年、アチカ産業復興官理令及獨逸、強成カルテル
結成構成法、及一九三六年、二一エント、産業規範令
等、於て見うるに、重要産業統制法、支配する受ん
産業、該目的、多に設置され、統制委員會、諮問を
經て後公佈せしむる有る事を決定せしむる。

本法、下三於ける産業協約、生産又、運用制限、生産
又、運用部門、^{協約}價格及此之關係を諸事、
市場市場に於ける数量並に協同市場出荷、包含
し得べきこと。協約、所管大臣に報告する事を同一大臣に
此等協約が一般、利益を害する又、該産業又、之に直接
に關係する有る他、産業、公平に利益を抑制する事を看做
る場合に之が廃棄又、修正を命じ得べきこと。本法、本業
五十年間有効とす。施行せしむるに於て一九三二年に修正、
上更新せしむ(註四) 之に依り、綿紡績及綿織物、絹紡績
及絹織物、絹、紙、カーボン、粉、硫酸、セメント、銅砂
糖並に潤滑油、並に諸工業、企業聯合化を一種、國家監
督、下に置くこととす(註五)

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四) 所定大臣の組合に對し、濫用ヲ防止シ又防止スル爲ニ命令ヲ發ス
權限アリ。

(五) 地方及び國家ノ組合に對スル條款ヲ強化セシム。

ハ規模工業組織に對スル此等條款ハ重要産業統制法に於ケル重
工業に對スルモノト極メテ類似スルモノ。日本ニ於テハ殆ト凡テノ爾
後ノ産業統制に對スル模範並ニ基本トナセリ。此ノ兩法ハ滿洲
事變ヲ余程以前ニ頒布シ、若槻及ヒ幣原ハ自由民政黨内
閣ニ指導下ニ施行セラレタリ。注目價スル兩法ハ共ニ個人事業
主義に依リテ希望セラル。又經濟回復ニ向フ手段トシテ之ニ案セラ
レタモノナリ。國防に對スル如何ナル關係ニ關スル考慮ハ第二章義
的ナモノニ過ギナカッタナリ。

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料金、統制の普通ニ行ハテ居ル電氣、電車、鉄道等ノ公共施設ニ就テハ言フ迄モデキ。然レ乍ラ、大規模ノ價格統制ヲ具ニ行ハシ得ルヤラニナリタハ、一九三六—三七年ノ冬以後ノ事デアル。總城藏相ハ二月ニ物價ノ日印騰ニ付、閣内ニ表明シ、一九三七年四月十日、新聞記者ニ物價統制ノ爲メ、近ノ有令又ハ行政処置ニ訴ヘネバ、ナリト語ラ。五月ニ消費者代表ヲ加ヘタ臨時物價対策委員會ガ設ケラレタ。(註8)重要ナル処置ハ中國ニ戰争ヲ始メテ後、一九三七年八月三日ニ取ラレタカ、タダ、コノ時ニナリテ、政府ニ戰時利得者ヲ一抑制シ、物價ヲ定メル權限ヲ与ヘル命令ガ公布セラレタ。緊急ニ戰時対策ハ各方面ニ物價ノ日印騰ヲ起シタ。ソレテ幾月モタツテカ、政府ハ再組織セラレタ物價委員會(後ニ元藏相ノ池田成彬會長トナル)ノ援助ヲ与ケテ、價格引下ゲ又ハ固定、全ト賣商品ニ對スル正札及ビテ數ノ場合ニ、切符配給ノ特別命令ニ依リテ生活費及ビ生産費ノ急激ナル日印騰ヲ除クニ且、コノ部分的ニ阻止シタ。(註9)概シテ日本ニ於ケル價格及ビ消費統制ハ世界戰争中ニ於ケル大抵ノ國ニニ於ケル程激烈デハナカッタ。綿製品ハ國內市場カラ殆ド全ク消シ又皮革或ハ金屬ノ場合、製品ハ甚シク制限セラレタ。然レ殆ド自給自足ガタリデ、食糧品ノ配給制度ハナカッタ。(註10)價格統制ハ戰時狀態ハ屬ノ早メラレ、一般化セラレタ。中國ニ戰争ガ起ラストモ、一九三七年又ハ一九三八年ヨリ多分行ハレタダラウソレハ論理的ニ滿洲事件ニ先立ツテ採ラレタ政策ニ關係シテナ

ル。(註11)

Ref. Doc. 598 (11)

制定サレタデアル。之ハ高價ニ卵々種子、検査、試験場、科学的助
言等ニ依ル技術的援助ニ付テ又テ又テ又更ニ進歩シタ市場
操作ノ方法ニ付テ之事決定デアラタ。
五、安石ノ一、高價ニ正當ナ穀倉ニハ概念(後ニ字一、ス長官
ニ採用サレタ)ニ基礎ヲ置ク市場安定策ハ一九三二年ニ米穀法
トシテ始メテ採用サレタ。之ハ一九三五年ニ價格規正ニ対象ニ包含
セラルル為修正サレタ。米穀輸入統制ハ一九三六年ニハ台湾、一九三
八年ニハ朝鮮、一九三九年ニハ樺太ニ拡大サレタ。一九三三年ニ米穀法、米
穀統制法ニ改メラレタ。此ノ法律ニ依リ政府ハ自由市場ニ於テ米
ノ最低買入價格並ニ最低販賣價格ヲ設定シテ價格、安定ヲ
計ルコトガ出来ルヤウニナッタ。米穀統制委員會ガ此ノ少規措置
ノ運営ニ固ク助言ヲ與ヘル為ニ設置サレタ。米穀統制法ハ屢々修
正サレタレドモ其ノ根本原則ハ其ノ儘残サレタ。(註12)其ノ間一方農
夫ノ米價ノ收入ト他方ノ賣價價格ト、間、甚クシテ開キニ對スル果
然、結果トシテ政府ハ米穀商人、法益ヲ反對ヲ押切ツラニシ、
措置ヲ止メタ。一九三二年、米穀自治管理法ハ市場統制ヲ
官吏、監督下ニ置クコトニ米穀業者、半強制的組織ヲ規定タ。
同時ニ糧財藏設備ニ對スル政府、助成金ニ就テ、法律ガ低イ
收穫價值ノ作物ヲ投資クスルコトニ依ル農夫、損害ヲ免ルル
為ニ通過シタ。(糧財同貯藏助成法)遂ニ一九三九年ニ米穀
配統制法ニ依リ國家「日本米穀常關」ノ一ヲ組織セリ。

No 37

大規模ノ米國取引ガ指導サレ米穀先物市場之ニ伴ヒテ七カラ
ニ減少サレタ)ヲ統制シ又台湾米ノ輸入並ニ地方業者ハ販賣
ヲ独占スルコトニナッタ。(註13)一九三七年前ニハ農夫、米價

dy Doc 598 (ii)

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(註二十) 一九三九年七月六日附トランスバニフックオ四〇頁

(註二十一) 一九三七年神戶発行の「」一字不明「」セバルト著
日本経済急進法律選集オ一五頁所載本清正文
英訳参照。検討、タメニ経済学辞典補遺
オ七十九一八頁所載金原賢之助執筆、爲替
管理に参照。其、他法律学辞典オ(卷第六四)
五頁所載青木一男執筆、外国爲替管理法、

(註二十二) 施行令正文ト其検討、タメニ東京朝日一九三七年
一月八日オ九頁及同紙一九三七年一月十日オ三四頁参
照、又「」イースタニサ「」一九三七年五月十二日
オ六卷オ十号オ(七一)二頁所載エリサベス
ブーデー執筆、日本、外国爲替問題、建滿洲国
並ニ同紙一九三七年五月二十六日オ六卷オ十一号第二一
一三頁所載、政治ト圖、参照、

(註二十三) 同改正法、日本語本文、東京朝日一九三七年九月五日
七頁附三所載、尚同紙一九三七年十二月七日附三頁及
一九三七年十二月十日附四八頁所載参照、

(註二十四) 新西蘭毛大伴同様、理由デ一九三八年十二月輸入
許可制ヲ採用シタ。経済記者(タルボルト)一九三九年
十月オ十卷附録オ一八頁所載、以、タ、十、
國家ト産業、参照、

(註二十五) 日本語本文、大要、東京朝日一九三七年八月十三日
オ九三頁英訳文、家述「」セバルトオ五九一
一六三頁参照、

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(註三十六) 英文、英訳文、前述ニハルコト、四三一二頁、夏ニ
出キヤル。
(註三十七) 東京朝日、一九三八年八月三十日、第四二頁
(註三十八) 同紙、一九三八年四月七日、第八頁
同誌日本諸論文、同紙、一九三七年九月五日、第七頁
ニ出キヤル。英訳文、前述ニハルコト、第一九一
一四五頁、冬、夏

0164 00002 17971

Ref Doc 598(11)

(註二十九)

當時ノ貿易問題ニ関シテハ、M.S.フリーレイノ「日本外國貿易ニ於ケル戰事衝突」一九三九年五月廿四日發行ノ「極東概観」第八章十一節三三一八頁參照

(註三十)

「石口吉彦」ノ「日本ノリテラ制及日本ニ於ケルリテラ制ノ發達」天々一九三九年四月及七月ノ「京都大學子經濟評論」第十四卷ニ及ビ三号參照。一萬噸ノ新造艦ヲ「フランス」ニ輸出スル許可シ其ノ代價トシテ同價格ニ充フル原料及ビ二万五千噸ノ白船腹ヲ輸入スト云々興味見リテラ制カ、テ、右倉公當時ノ戰時經濟ニ於ケル我カ海運政策一九四〇年一月發行ノ「太平洋」五、五七十一頁ニ於テ報セシテナル。尙一九三九年十月五日ノ「フランス」バシフィフ第十一頁ニ參照。輸出ノ日本紙ト輸入ノマラ麻並ニ輸出ノ索鋼ト輸入ノ麻及ビ黃麻間ノリテラ制カ一九三八年八月二十七日東京朝日三六〇頁ニ報セシテナル。

(註三十一)

本委員會ノ任命ニ付テハ一九三六年八月一日東京朝日第九頁參照。

(註三十二)

一九三九年六月一日附「トランス・パシフィック」三三頁參照。

(註三十三)

本法ハ一九三九年一四〇年ノ日本年鑑二九二頁一三頁ニ略記サレテナル。海運政策一般的論議ニ関シテハ「太平洋」一九四〇年一月號第一卷第三號六八頁一七三頁所載ノ

戰時經濟^ニ於テ我カ海運政策^ヲ參照。

$$(H + III \frac{511}{101})$$

「トリス・ハルツ」誌一九三九年四月廿七日 第十八頁 同誌一九

三九 年八月十日 第八頁 同誌一九三九年四月廿七日 第三二頁。

東洋經濟一九三九年九月九日附張第六號第一二頁。

(註三十五)

東京朝日一九三九年一月十九日 第二十四頁 白雲通業會社

及北洋商業全般圖說(三) 極東概觀誌 一九三九年四月

廿二日 第九卷第八號 第一〇六頁 八頁所載¹⁾ + のハヤス

論文、日本經濟生活、於其北洋漁業、參照。

$$(x_1 + \dots + x_n)$$

東京朝日 一九三五年二月廿七日 第三六五頁所載，同法

正文及同誌一九三五年三月十九日第三十四頁所載施行規

劉王天

$$(\lambda + 111 \begin{smallmatrix} 0 & 1 & 1 \\ 1 & 1 & 1 \\ 1 & 1 & 1 \end{smallmatrix})$$

東京朝日 一九三八年八月二十五日 第三三頁。

$$(\gamma + \frac{u}{\gamma})$$

例八、東京朝日一九三八年九月三日 第三八頁ニ記載

二二九「日本輸出洋筆會社」卷四、他、諸會社、既下ハ

凡三九年、東京三書カニハ朝日五十四日本、経済力中

$$f(x) = \frac{1}{x^2} = x^{-2}$$

三十九

極東櫟 觀一九三九年八月三十日 第八卷第十八號 第三五頁

——頁二所載、イウニ元午下々ノ已執筆、亞米利加、太平

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May Dec 5-98(11)

def doc 598 (11.)

洋木材貿易ニ對シ一層、打惠、

(註四十)

汎太平洋、紙(一九三九年七月六日、三十一頁)

(註四十一)

戰後日本外國貿易、經濟面、有益ト一論文カミナリ。
S. P. 一、戰後情勢ニ於ケル日本貿易擴張、問題中
ニ記述セラル。一九四〇年ア・イ・ロ・ア・ニ・イン・フ・イ・ア・ニ・ミ・ス
ニ・ミ・コ・リ

(註四十二)

國策會社ニ對スル傾向ハ一九三九年四月四日發行、改造
第二十一卷九三頁—九頁「ハ・ウ・ヤ・氏」國策會社、記述ス
ルト題ス論文ニ述ベタル。國民ハ最も重要ナル諸會社、株
式ヲ政府ガ有ラセタル割合ニ就テ詳細ニ説明セラル。

No 29

Key Date 3-98 (11)

業、大規模、又強力を資本、部明の重要産業統制法、
許に規定され、此、法一九三三年八月に實施され、(滿洲事
変前)自由民政黨閣内閣、許す。此、法、目的、重要産
業に於ける生産者間、自治的協定を法的に勵行し得る
様子を産業界自肅し便するに在り、此、様と協定を以て
、同法に適合する意を以て保證する。以下に、此、様と類
例、一九三〇年英國、炭礦法、一九二二年獨逸、カルテル法、一
九三三年、アチカ産業復興官理令及獨逸、強成カル
結成權成法、及一九三六年、二一エント、産業統制令
等、に於て見らる。重要産業統制法、支配する受ん
産業、該目的、多に設置する統制委員會、諮問
を経、後公布する省令により決定される。

本法、下三於ける産業協約、生産又運用制限、生産
又運用部門、分配、價格及び之に關する諸要事、
市場、市場に於ける数量、並に協同市場出荷、包含
し得る。協約、所管大臣に報告する要、同大臣に
此等協約全般、利益を害し、又、該産業、之に直接
に關係する他、産業、公平に利益を抑制する、と看做
る場合に之を廃棄又は修正し得る。本法、本業
五ヶ年間有効とし、施行せしむるに於て一九三二年に修正、
上更新せしむ(註四) 之に依り、綿紡績及び綿織物、絹紡績
及び絹織物、大絹、紙、カーボン、粉、硫酸、セメント、銅砂
糖、無煙炭、此等諸工業、企業聯合化を以て、國家監
督、下置する(註五)

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Ref Doc 598 (11)

四) 所管大臣の組合に対する濫用を是正し又防止する為に命令する發令
権限あり。

(2) 地方及び國家の組合會に対する條款の強化等。

小規模工業組織に対する此等條款は重要産業統制法に於ける重
工業に対するものと類似する。日本に於ける殆ど凡ての兩
後、産業統制に対する模範並に基本となつて居る。此の兩法は、滿洲
事変より全程以前に頒布され、若槻及び幣原の自由民政黨内
閣の指導下に行はれたるもの。注目すべき價値は、兩法共に個人事業
業に依りて希望され、又経済回復に向つて手段となつて居る。其の
理由を一言する。國防に対する如何なる關係に於ける考慮も、第二義
的であり過ぎるものではない。

(以下次頁)

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「反動的」と言ハレテ又々大食及齋藤内閣ハ次々処置即チ殆ド同一商工組合法ヲ準備シタガ之ハ中小商業及工業ノ組織ト統制ト容易ナラシメテアッタコレハ一九三三年九月ニ公布セラレタ後政府總ヘテ種類ノ組合ニ対スル援助及之ニ伴フ管理カ各種共同機能及設備ニ対スル補助金ニ依ッテ増大カレタ特ニ小規模事業ハ合理的條件ヲ充分ニ資金ヲ獲得スルコトカ困難タトノ不滿ニ對應スル爲メ組合金融ノ強化ニ向ッテ注意カ払ハレタコノ方面ニ於ケル最終ノ処置ハ一九三六年十二月一日ノ商工組合中央金庫ノ設置デアラ。本金庫ハ特別法ニ依ッテ認メラレテ註記ノ興業銀行ヤ勸業銀行ノ様々他ノ大半官的機関ト同様ニ債權發行及大藏省預金部ノ低利資金借入ノ特權ヲ享有スルモノデアル。

本組合制度ト米國産業復興條例ニ規定セラレタ立法權ト類似ハ看過シテハナラナイ。コノ日本ノ法律ハ必ズシモ有効デナカフタガ米國産業復興條例ノ様ニ公然タル失敗デハナカタクソノ比較的的成功ハソノ違反者ニ対シテ頭ノ非難以上ノ或ルモノヲ与ヘルコトニ依ッテソノ規定ヲ実施スル政府ノ憲法上ノ制限ト日本ノ實業家並ニ官吏ノ共同商業組合ニ対スルヨリ大キイ経験トニ依ッテケイトモ部分的ニ説明シ得ルデアラウ。

独占ハ價格ノ統制ヲ伴フ。國民生活ノ障害トセル人爲的高物價ノ回避ハ主要産業統制法及諸組合法ニ於ケル政府監督ノ規定ノ主要目的デアッタ。

價格ノ統制ハ個々ノ例トシテハ一九三七年ヨリ大分以前特ニ製鉄業製油業ソノ他ニ於テ特別法ニ依ッテ實施セタ(他ノ諸國デ

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料金、統制、普通、行、店、電氣、電車、鐵道等、公共
施設、就、言、迄、然、乍、大規模、價格、統制、且、
行、得、や、二、三、年、一、九、三、六、一、七、年、冬、後、事、ヲ、ル、結、城
藏、相、二、月、二、物、價、日、騰、二、付、因、二、未、明、一、九、三、七、年、四、月
十、日、新聞、記者、二、物、價、統制、爲、々、近、有、令、又、行政、処、置、二、訴
へ、二、三、日、語、二、五、月、消、費、者、代、表、二、加、二、品、時、物、價、対
策、本、員、會、が、設、二、二、註、八、重、要、十、処、置、中、國、戰、争、が
始、二、後、一、九、三、七、年、八、月、三、日、二、取、二、よ、カ、タ、ク、二、時、二、二、政
府、戰、争、利、得、者、一、抑、制、二、物、價、二、定、ム、權、限、二、与、二、命
令、が、公、布、二、二、緊、急、戰、争、對、策、二、各、方、面、二、物、價、日、騰、二、
起、二、二、二、二、幾、月、モ、二、二、二、政府、二、再、組、織、サ、二、二、物、價、本、員
會、(後、二、元、藏、相、池、田、成、彬、會、長、ト、ナル、二、) 援、助、二、二、二、二、價
格、引、下、二、二、固、定、二、全、二、賣、商、品、二、對、二、止、札、及、二、二、數、二、場、各
二、二、切、符、配、給、二、二、別、命、令、二、依、二、二、生、活、費、及、二、生、産、費、二、急、
激、二、日、騰、二、餘、二、二、且、二、二、部、分、的、二、阻、止、二、二、(註、九、) 概、二、二、日、本
於、二、二、價格、及、二、消費、統制、二、世、界、戰、争、中、二、於、二、二、大、抵、二、國、二、
於、二、二、程、激、烈、二、二、二、二、二、二、二、二、二、二、二、二、二、二、二、二、二、
又、皮、革、或、二、金、屬、二、二、二、二、二、二、二、二、二、二、二、二、二、二、二、二、
給、自、足、二、二、二、二、二、二、二、二、二、二、二、二、二、二、二、二、二、二、
制、戰、争、時、狀、態、屬、二、二、二、二、二、二、二、二、二、二、二、二、二、二、二、二、
二、二、二、二、一、九、三、七、年、又、一、九、三、八、年、二、二、二、二、二、二、二、二、二、二、
論、理、的、二、二、二、二、二、二、二、二、二、二、二、二、二、二、二、二、二、二、
二、(註、一、)

日本於此種復興計畫、國際市場、於是有利於
競爭能力、保持、為重要、組織、操作、合理化、重要、置
、公共事業、直接救濟、障礙、景氣、安、復、幣、大、カ、
政府、支出、一般政策、復興計畫、部、令、上、看、做、上、居、分、之
等、上、三、三、之、議論、本、研究、他、部、令、讓、三、一、二、に

農業保障

大規模、個人、的、組織、困難、自然現象、危險、彈性、ナ、
需要、者、價格、激烈、上、亦、動、理由、依、農業問題、國
家、補助、對、要求、一、見、日本、於、農業問題、
復興問題、總、計、一、年、上、上、張、復興計畫、算、救濟
、組合、對、以、國家、援助、低利資金、法、令、公共市場、設
立、及、漁船、保險、獎勵、依、以、外、於、上、上、上、價格、統
制、生產物、腐敗、之、易、性質、考、一、上、上、上、實行、不、能、ナ
ア、リ、

米、上、絹、日、最、盛、之、立、法、ヲ、諸、政、上、日本、三、大、農、產、物、之、三、等、ハ
農村問題、於、米、國、十、及、上、棉、之、地位、上、之、三、等、高、者
、生產者、高、物、價、時代、入、上、重、上、低、者、負担、上、作、世界、的、價格
、低下、及、人、絹、上、競爭、上、米、國、不、景、氣、上、絹、上、價格、
非常、上、崩、落、結果、上、三、一、二年、頃、上、上、打、害、上、度、上、上、三、
年、後、農村、救濟、所、農業、保障、日本、於、此、孰、初、上、政、公、
的、要求、上、上、上、農業、上、同、之、法律、上、上、九年、上、上、景、氣、上、上、上、以前、

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制定サレタデアル。之ハ高口ニ卵ヤ種子、検査、試験場、科学的助
言等ニ依ル技術的援助ニ付テ文クテナク又更ニ進歩シタ市場
操作ノ方法ニ付テ之事實デアル。

五、安石ノ一、高口ニ正高ナ穀倉ナル概念(後ニ「ホール」長官
ニ採用サレタ)ニ基礎ヲ置ク市場安定策ハ一九三二年ニ米穀法
トシテ始メテ採用サレタ。之ハ一九三五年ニ價格規正ニ対象ニ包含
セラルル為修正サレタ。米穀輸入統制ハ一九三六年ニハ台湾、一九三
八年ニハ朝鮮、一九三九年ニハ樺太ニ拡大サレタ。一九三三年ニ米穀法、米
穀統制法ニ改メラレタ。此、法律ニ依リ政府ハ自由市場ニ於テ米
ノ最低買入價格並ニ最低販賣價格ヲ設定シテ價格、安定ヲ
計ルコトガ出来ルヤウニナツタ。米穀統制委員会ガ此、政策推進
ノ運営ニ関シ助言、與ヘル為ニ設置サレタ。米穀統制法ハ屢々修
正サレタレドモ其、根本原則ハ其、儘残サレタ。(註1)其、間一方農
夫、米價ノ收入ト他方小賣價格ト、間、甚クシイ隔キ對スル異
議、結果トシテ政府ハ米穀商人、活発ニ反對ヲ押切ツラニ、
措置ヲ止ム迄。一九三六年、米穀自治法並ニ市場統制ヲ
官吏、監督下ニ置クコトニ米穀業者、半強制的組織ヲ規定。
同時ニ米穀貯蔵設備ニ對スル政府、助成金ニ就テ、法律ガ低イ
收穫價值ノ作物ヲ販賣スルニトニ依リ農夫、損害ヲ免ルン
為ニ通過。タ(米穀共同貯蔵助成法)詔ニ一九三九年ニ米穀
配給統制法ニ依リ國策「日本米穀管理團」ノ組織サレ。

大規模、米國取引ガ指點サレ米穀先物市場之ニ伴ヒ十七カラ
ニ減少サレタ)ヲ統制シ又台湾米輸入並ニ地方業者ハ販賣
ヲ禁止スルニナツタ。(註1)一九三七年前ニハ農夫ニ相違、報價

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確係又ニトカ主要問題ヲアツケドモ中国ニ於テハ事業勃發
以事ハ同規定ガ倉庫價格ヲ低クシテ家庭消費ト軍隊補充

命令ニ供給ヲ確保スルニ云フ方向ニ回テラレタリ。

蠶絲問題ハ極大ニ類似シテ復遷(ヲ経テ来リ。(註14)

輸出用生絲及蠶絲種紙検査ニ関スル規定ハ明治、初期ニ定
ムル。品質及供給ニ注意シ生産者團體ト奨励、為、追加

措置ガ一九一二年、蠶絲終業法ニ於テ講セラル。金輸出用途
絲、検査及價格付下、同年、輸出製絲検査法ニヨリ強制的

ナリ。生絲輸出ハ下ナリカ好景氣、數年間ニ大飛躍ヲナシ
相尋ナ價格、変動ガリ發展シ弊害ヲ醸シリシ。ソ、結果

民政党内閣ハ一九二九年一九三〇年及一九三一年ニ米穀其、他
商品、為、採用サレタ措置ニ類似シタ措置ヲ蠶絲ニ適用シヨク

シ。一九二九年、年價安定融資保障法(一九二九年九月一日
施行)、各銀行ヨリニヨリヨリ價格ト市況、到來迄在庫生

糸ヲ擔保トシ、貸出ヲ為サシメ得ルガ如キ保障ヲ各銀行ニ
与ヘル事ニ依リ價格安定ヲ助長スルニ定メラレタ。一九二九

年、「ウオ」ハ街、現ニ慌及ビ其、結果トシ、米國ニ於テハ生糸
市場、崩壊ヨリ、ソ、ハ失敗、海命ヲ失ツ。銀行ハ多量、生

糸ヲ保有シタ。コレヲ放置サシ銀行モ生糸生産者モ其、ニ糸價安
定融資保障法ニ依リ、一九三二年ニハ破産シテ破産

サレバ、トラカツ。ソ、此、法ニヨリテ政府ハ損失増加部ハ
負担シ市場ヲ不振ナラシメナリナリ在庫品ヲ接收シテア(註15)

私的業者者、全國的組織ヲ以テ帝國蠶絲株式會社ヨリ自給

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的統制、企て、同様理由に依り失敗す。
比較的永続的、改革が一九三二年（滿洲事変以前）至
終業組合法により求むる同法に企業系業を統制する
企業、生産或、取引、各部門、地方組合、全國的組合組織
並に日本中央企業系會を法律的に規定す。主務大臣は必要
應に組合、組織を命ずる權限を與へり。一及組合が組織せし
たる産業、其、部門に從事せし其、地域に於ける者は自強制
的に會員となす。一九三二年製絲業、免許制となり政府は家
系業法により右二團を命令し發給する權限を與へり。
規模生産者、協同組織並に新規模、設備、制限を求む。
其、後二年に於て原發種種管理法、改良を標準とし生
産費を減ずることを企て、生産上配合より強力に政府
管理下に置く。一九三四年、輸出生產取引法に企業を輸出
政府、許可、下に四年取引全部、登録を強制す。主務大
臣は又必要場合企業系業を統制する附加的權限を與へり。
企業組合、強化せり。穀類關連、前、二法律、改正並に穀類關
連統制法、制定に依り一九三六年統制下に置く（記16）
最後一九三五年、米穀統制法、方法を米價安定施設法並
に米價安定施設特別會計法により一九三七年企業系適用す。
前記諸法律より政府は米價安定委員會、報告を基に公定
決定する最低價並に最高價を以て夫々公開市場に於て
買入及賣渡する權限を與へり。（記17）

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六百方以上、組合員ヲ有し組合員ノ貸付ハ十億円ヲ超
過し組合員ノ販賣額ハ十億円ニ達し、協同組合、日本農業
經濟學者カ望ミイトハ倍シテ程、數ハ又、ソレ程ニ強固デ、
ナリガソレ等、発展及、ソレ等ノ受ル所、政府、援助ハ、ソレ等ガ
對抗スル所、小商業者、団体カラ、再三再四、反對ヲ惹起シ、
一九三三年議會、特別農林經濟會活動ニヨリテ開始スル農
山農村經濟更生運動、協同組合、密接ノ關係カ、ソレ、計畫、
政府、指導研究資金ヲ仰ぎ農村、社會ノ共同精神、向上ヲ
、教育ヨリ始メ、共同購入及販賣、強化農地整理、洪水對
策灌漑工事等、共同發起收穫託兒等相互扶助ニ進ミテ、
改善スル村能率、經濟家計、家内工業等、家庭教育ニヨリ、
肥料、供給及、價格、農業保全總テ、計畫ニ於テ

困難ノ問題デアレカ、コレ、ヨリ集約的耕作法ニ依テ
土地、不足ヲ克服セシムル日本、努力ハ、土地、肥沃性ヲ維持
スル為ニ多種多様、肥料ヲ必要トスルヲテ、以外工業不
、カレテハ、農家、問題ヲ増大サセタ。國家管理ハ、農
業団体、多年主張ニ基キテ、ソレハ、一九二七年農
林省肥料調查委員會、官吏ミヨリ提唱サシタ。肥料
管理法案、一九二九年田中內閣ニ依テ提出サレタ。通
過ニテ、一九三五年田中內閣、列、法案ヲ提出シタ。採
取ニ三六事件後、一九三五年五月、臨時議會、ミテ、持越サシテ、
主要肥料業統制法、肥料生産配給ヲ許可制度トシ、
キ冬種、分野、協同組合ヲ義務的ナラシメ、協同組
合ニ政府、許可ヲ經テ生産、價格ヲ統制スル權限ヲ付
與シ、政府ニ輸入ヲ調整シ、公共、利益ニ係ルモノト認メ、
産業ニ對シ、必要ナル命令ヲ發スル、權限ヲ與ヘタ。註ス

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一九三六年三月、初メテ施行サレタ此、法令ニヨリテ、硫酸アルミヤ、カルシウムニアエナフイト及ビ過磷酸石灰、價格ガ統制サレタ。過磷酸石灰、價格ハ一九三八年十一月以降統制サレニ至リテ、(註23)戰時早氣時ニ於ケル價格、統制ハ供給不足ニ至リ。退藏、結果ヲ生ズルコトガ慮ラレタ、テ第七十二臨時議會ニ於テ「臨時肥料配給統制法」ガ通過セラレタ。此、法律ハ中要ニ應ジ肥料、生産及ビ販賣ヲ強制スル命令ヲ発シ且ツ、ソレヲ調査スル。延罰報告義務ニヨリ強制力付ル權限ヲ政府ニ與ヘタモ、テハ(註24)最後ニ數ヶ月後、亦セテ三議會ハ徹底的ニ統制ス。下、日本硫酸株式會社、設立ヲ許可シ硫酸アルミヤ工業ヲ從事ス。個人若シハ法人ニ施設、擴張或ハ改良、生産増強若シハソノ生産品、新會社へ、譲渡ヲ命ジ得ル權限ヲ政府ニ与ヘタ。ソノ代リ右ノ省、租税、特別免除、金融上、特恵及ビ損失、保障ヲ与ヘラレタ(硫酸アルミヤ増産及配給統制法(註25))。本邦産農産品、債ハ一九三二年ニ於テ、日本農林省ニトラシニシテ日本、銀行界ニトラテモ重大ナク脅威ニナシタ。ソノ減テハ既述、農村再建運動、目標テアラタ。中要アルハ強制的ニ調停ニカケル條項ハ一九三二年、金錢債務臨時調停法中ニ定ラレタ。此、法ハ元來此、法律、公布前、契約ニヨル千系ヲ超ヘサル債務ニ、適用サレリ、法律、有効期限モ三ヶ年ニ限ラレタ耳カ。一九三四年改正サレ半恒久的ナ形態ニ更新サレタ。(註26)

負債返済、互助及ビ債務、共同保證ヲ目的トスル農林、

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共同組合が一九三三年、農村村負債整理法及び農家負債整理
組合法ニヨリ認められ政府、補助が与へられたことナリ。(註27)
之ニ前後して一九三三年、不動産賠償及損失補償法(註28)
ニヨリ更に勅令(一九三三年、農家動産信用法(註29)ニヨリ)
一定地方信用組合漁業組合、他、法人ニヨリ亦畜産農器
具及び小型漁船ニ対スル貸付、規定ニヨリ政府、興業銀行、
農工銀行等、他、半公共的金融機関が當時市中銀行、同座
サレテキタ農家振替ヲ引受ケルコトヲ認めタルコトヨリ農村地ニ於
テ資金供給、増加ヲ図ツタデアリ。

産業組合中央金庫も亦強化サレ、農地貸付金、又損失補償ニ対
シ保証サレタ。之等各種、條例、疑モナクナリトモ(時的救済ヲ
與ヘタニシテ)農村危機ヲ解決ハシタカク。ソレ等、目的、米國
ノ近代農地法、目的ト略同デアリ。...即チ農村負債整理
ト小自作農ト小作農ニ対スル援助ニヨリテ農家側ト銀行側ヲ
救済スルコトデアッタ。中國ニ於テ戦争ノ以テ銀ツカ、外ニイテ
道ガ此、方面ニ講じラレタ。一九三八年、臨時農村負債整理法、
中國テ軍務ニ服シテ牛馬間ニ戦死シタカ又ハ負傷シタカ(遠征族
ノ持ツテ牛馬負債ヲ整理スルコトヲ規定シテナリ。(註30) 農地調
整法(一九三八年)ハ小作爭議調整現役軍人、土地、公共耕作
及び共同耕作用地ノ獲得等、タメ地テ委員會ニ屬シテ直ニ
権限ヲ与ヘタ(註31) 遂ニ一九三八年、農家保險法(註32)
及び農家再保險特別會計法ハ作物保險協同組合機對ニ對
シテ額、國家補助ヲ規定シタ。一九三七年以前ニ農地救済軍

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備擴張及經濟、三者間、緊密性、輕重ニシテ或は不一致、暗黙カシク此、不一致、殆んど自ミツテ表面ニ現ハルモノナリ、政府ハ概シテ農作ニ對シ腐敗ニ直接補助金ヲ與ヘテ、立法的ソカ、十人、農村債務者及カ個人農ニ對シテ、立法的協助ヲ主張スルコトニ於テハ議會ニ於テ有力ニ政變ヨリテ

推進ニテキタ、(註3) 社會大眾黨や東方會、如キ議會、農諸黨、一般ニ大政黨や旧政黨、反對ニ對抗シテ政府、立法ヲ支持スル同時ニ各新法律ハ不適宜ナリトシテ之ヲ非難ス然レ政府ハ回復及復興、為ニテ此措置ヲ講ヅルガ都念、ル上農村タルトテ同ハスルハ當ニ財政、困難ニ復讐、方法ト原則ニ其レ社會各階層中平和、為バカリテナリ平凡ノ經濟上、計畫ニ於テ日本、諸植民地、滿洲國及ニ特最近ハ中華民族、占領地域、地位ヲ考ヘ慮スルコトが急中要トナシキヲ、テ復雜ニナシキナリ。

(註一) 一九二〇年以後商務長官「ハバート」＝ヨリ「ア」

リ力聯合土木協會ヲ通ジテ促進サシテ運動、一九二二年以後ノ独逸ニ於テ國家管理經濟ノ業ト比較セヨ

(註二) 一九二七年一月緊要ニ産業會議局カ産業統制局トシテ再組織サシ、ハ多ク意に義深キ兆候ヲ表シテ趨勢ヲ示シ

ヲナシ。

(註三) 高橋龜吉著日本經濟統制論二〇六頁—二〇九頁參照

(註四) 法律學辭典、二卷一三四—一六頁、本年信ノ「軍事」重要

Klop & Co 598.111)

産業統制法 参考

(註五) 高橋竜吉著 日本經濟統制論 二九—三一頁 参考

(註六) 筆者が「多ク」有益な暗示及び批判ヲ受テ「マルウェア」H
「オーカ」ハ最近「日本小規模産業ニ於ケル製造者組合」ニ
関シ「カリフォルニア」大学ニ於テ博士論文ヲ完成シタガ、ソノ中
テ彼ハ産業組合法ノ実積ヲ分析シテ云ル

(註七) 一九三六年五月、オニナ九議會ノ可決シタ「同工組合中央金
庫法」

(註八) 委員會、法律ハ一九三七年五月六日附東京朝日新聞ヲ
八頁ニアリ

(註九) 「オリエンタルエコノミスト」一九三八年六月、オニナ五卷、オニナ五七一
六〇頁所載「戰時價格統制」及ヒ同書一九三九年五月、オニナ六卷
五五〇頁、オニナ五七一頁所載「商品價格統制」ニ参考

(註十) 然レシテ「餘リ甚シイ價格統制」が「勞力」及ヒ「肥料不足」
相俟テ「兎角」起シタガ、様ニ農業生産ノ低下ヲ起シ、配給
制及ヒ必要ナルカモ知レナイ

(註十一) 價格統制「同」スル最近ノ試ミ及ヒ「ソノ欠点」ニ付テハ一九三九
年八月二日、「カートブックス」著「丹ブックス」ニ於ケル「インフレーション
コントロール」價格ノ極大概觀ヲハ卷オニナ一八三—一九〇頁ニ参考

No 45
(註十二) 一九三七年九月十日、米穀ニ應急措置ニ關スル法律ハ單ニ
米穀統制法ノ條項カラ陸海軍用米ノ購入ヲ除外シタミデ
アリ。一九三七年九月三日、東京朝日三二頁ニ参考

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(註十三) 東京ガゼット 一九三九年五月 自一頁至五頁

「米穀ノ生産並ニ配給」及「トランスパシフィック」一九三九年
五月十一日、四頁、一九三九年八月十日十九頁、一九三九年八月十
七日十八頁参照

(註十四) 一九三四年末マデラ蠶絲法ノ充分ナ概観ニ就イテハ井野
碩哉筆「法律學辭典」中ニ卷一〇三三―七三頁「蠶絲法」ヲ
照スコト。

(註十五) 「貯蔵絹絲ノ処分ハ新市場若クハ新用途ニ限定サレ
テナク、中國ニ於ケル戦争以來始メテ政府ハ此ノ貯蔵過
剩品ヲ處分スルコトが出来タ」トランスパシフィック「一九三九年
五月四日」四頁ニ参照。米國政府モ又最近、戦時好景氣
ニ依ル貯蔵過剩商品ヲ整理シタキ希望ヲ表明シテ。

(註十六) 「東京朝日」一九三五年二月二十七日、三七四頁及一九三六年五月

二十日、二八七頁ニ参照

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(註十七)「東京朝日」一九三七年三月二十一日、三四三頁參照。
(註十八)「トランスパシフィック」一九三九年七月六日號、三三頁參照。
「アングロ・サaxon民主主義」ニ於ケル斯カル國家、輸出獨占、例ニ關シテハ、一九三六年、新西蘭主要生産物販賣法及酪農物輸出貿易ニ對スル本法、適用ヲ比較セラレ度。即ケ「イフミツク・レコード」(メルボルン)一九三九年十月、第十五卷、附録六九一頁、H.ベルンヨール「施行中、保證價格」。

(註十九)例ハバ、一九三五年十二月六日東京ニ開催ノ商業權保護全國會議ノ決議ヲ參照ノコト。
「東京朝日」一九三五年十二月七日、九六頁。「太平洋問題」一九三六年十二月、第十一卷四號、四七、四九頁。カレン・M.アイシャール「日本ニ於ケル協同組合運動」ヲモ參照ノコト。

(註二十)「經濟學辭典」附録四五。一二頁、那須皓「農山漁村經濟構成計畫」參照。

(註二十一)高橋龜吉「日本經濟統制論」三九六—八頁。

(註二十二)「法律學辭典」第三卷、二〇二五頁、岸信介「統制産業立法」。

(註二十三)「トランスパシフィック」一九三八年九月八日號、一九頁。

(註二十四)「東京朝日」一九三七年九月四日、五四頁、法律全文ヲ參照ノコト、英譯、セボルト、前掲書目七一—二頁。

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註(五)「東京朝日」一九三八年三月十三日、六四頁、正文アリ。
此等諸法律施行上、最近ニ於ケル困難ニ関シテ
ハ「極東概観」一九三九年三月十五日、第八卷、六號
七三頁一四頁、M. S. 77-1-1「日本、肥料問題未
解決」ヲ参照。
昔也昔家調停法、一九二四年小作調
停法、
争議調停法

七三頁一四頁
解決，參照。
(註十六)一九三年，借地借款調停法。一九二四年小作調
解決，參照。

停法一九二九年
調停力
停法等，法律ニ於テ、
以前ニ於テモ、此ハ日本ニ於テ同
ク又必要ナルモノナリ。
法律學辭典「第三卷」九〇七

停法等ノビレ
ヲ又必要トサル以前ニ於テ毛ル
知、手續ヲ了ス。法律學辭典「第三卷一九〇七
知、手續ヲ了ス。法律學辭典「第三卷一九〇七

知，手續「了」
一七頁、也田廣次郎「調停」小作調停
一九二五年三月三十一頁、

一、國際塔庫評論一九三五至三六年之爭議，新方途參照人事調停

「日本ニ於ケル小作爭議」新万進社刊

日本二於此山作... 一九三九年三月十六日公佈サレタ。東京村... 農

法一九三九年三月一日
誌一九三九年五月。一九頁人事調查表
錄四四一五頁大槻正男「農

(註五七)「經濟總子政策」

家、負債

(附註) 日本國

對策、

(註三)同書附錄二頁
對策、
(註五)楠見一清／音譯／動産抵當同書附錄三八。一頁、
(註六)一九三八年七月「東京ガゼツ」第十三號丑三頁、
(註七)用參照。

說明參照：

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一九三七年以來中國ニ於ケル敵對行為ノ結果ハ、
綿業ノ制限ハ間接的ニ生糸ノ國內消費ノ増加ニ
對シ價格ノ急騰從テ日本生糸輸出ニ對スル力減
スルコト、ナリ。統制ノ問題ハ斯クテ急激ニ價格維
持ヨリ制限ヘト又生産ノ制限ヨリ擴張ヘト變更セ
ラレタ。之等ノ新情勢ニ對スルタメ總動員法等八條ヲ
適用スルコトガ出來ル。生産及輸出ニ對スル最少数限度ノ割
當ガ定メラレ且強行セラレ、中央絹價査定委員會ニ
價格査定權能ガ與ヘラレ又帝國蠶絲株式會社ニ輸出
業務ノ独占權ガ附與セラルレデアラハト情報デアル(註)之ハ
蠶業ノ統制ニ對シ今日迄採用セラレタ方策ノ大要デアル。
米穀協合同様ニ此ノ趨勢ハ滿洲事變以前カラ續キ繼
續シ農畜業保障ノタメノ探究ヲラテ主ニ誘導セラレテ來タ。
主要物資ニ關スル此ノ特別統制ノ外農畜業ノ保障ニ對スル
更ニ普遍的ノ援助ガ協同組合ノ増進肥料工業調節農
村改造運動及農業資金等ニラツテ與ヘラレタ。農業
協同組合ハ特別ニ長イ歴史ヲ有ツテアル。ソレ等ハ組合
トシテ知ラレテキテ、既述ノギルドニ類似シテ法律上
屢々區別シ難イノデアル。ソレ等ハ發育ノ程多數ノ制定
法ノ下ニ組織セラレ販賣購買荷造及運送貯藏
並ニ金融ヲ含ム組合ノ職能ヲ促進セシメタメニ地方的
及全國的ノ聯合ヲナシテアル。ソレ等ハ政府ニヨツテ免稅資
金ノ供與及專門家ノ指導ヲヨリ積極的ニ獎勵セラレテ
來タ。一九三六年農林省ニ依リ巴約一萬五千ノ組合ガ

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的統制、企て同様、理由に依り失敗シタ。
比較的永続的ナ改善が一九三二年（滿洲事変以前）至
絲業組合法ニヨリ求マリ、同法ハ金糸糸業ヲ統制スルモノ
糸業、生産或、取引、各部門、地方組合、^{糸業組合}全國的組合組織
並ニ日本中央糸業會ヲ法律的ニ規定シタ。主務大臣ハ必要ニ
應ジ組合、組織ヲ命ズル權限ヲ与ヘラシ、又組合ガ組織サレ
テハ生産業、其ノ部門ニ從事セル其ノ地域ニ於ケル者ハ皆強制
的ニ會員トサシタ。一九三二年製絲業、免許制トナリ政府ハ製
糸業法ニヨリ右ニ關スル命令ヲ発スル權限ヲ与ヘラシタ。
糸規模生産者、協同組織並ニ新規模ヲ設テ、制限求マシタ。
其ノ後二年ニシテ原糸種類管理法ハ改良セル標準種ヨリ生
産費ヲ減サセムニ爲メ、生産、生産ト配合トヲ強力ナ政府
管理下ニ置キタ。一九三四年、輸出生産取引法ハ、糸業、輸出ヲ
政府ノ許可、下ニ置キ取引全部、登録ヲ強制シタ。主務大
臣ハ又必要場合ニ糸業ヲ統制スル附加的權限ヲ与ヘラシタ。
糸業組合、強化セリ、蠶絲關業、前、ニ法律、改正並ニ蠶絲關
於統制法、制定ニ依リ一九三六年統制下ニ置カシタ。（註16）
最後一九三三年、米穀統制法、方、法ガ米價安定施設法並
ニ米價安定施設特別會計法ニヨリ一九三七年糸業ニ適用サシタ。
前記諸法律ヨリ政府ハ米價安定委員會、報告ニ基テ公定
ニ決定セシタ最低價並ニ買取價ヲ以テ夫々公開市場ニ於テ
買入及賣渡スル權限ヲ与ヘラシタ。（註17）

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- (註三十一)一九三八年三月及四月「東京ガゼット」第九號及第十號、第五一九頁、農林省「農地調整法」就參照。同法、正文、其、修正ト共ニ「東京朝日」一九三八年一月二十四日附三二七頁、一九三八年三月四日附五三頁及一九三八年三月九日附二三四頁ニ掲載。
- (註三十二)正文、一九三八年三月五日附「東京朝日」六七頁。
- (註三十三)日本農業政策、概觀、一九三七年七月「世界經濟年鑑」第四十六號一、第一五七—八二頁、那須能現代ニ於ケル日本農業政策、目的ト實行、中ニ在ル。

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三、海外發展と國內統制

善惡両方、理由ニヨリテ植民地域ニ於テハ
温情主義ハ特ニ一般ニ行ハレテ来タ。資本並
ニ企業能力カ乏シク危險ガ高度アリ間ハ
急速ナ經濟開發ガ通常望ミル本國、高
度ニ發達シタ資本主義的商工業組織
ニヨル搾取カラ土着、人民ヲ保護スルと言フ
事ハ通常少クトモ政府、少數、人士、糾糾
ナル目標アリ。日本ガ最近、事態ニ直面
シタ時日本ハ植民地統治、經驗ガ殆トナ
カジタガ日本ガ西歐、助言ニ依リコトヲ妨ケルモ
ハ何モナカジタ。一人、外國人助言者前合
衆國農務省長官ケ、ロニ將軍ハ政府設
立ニカ、止製粉工場、甜菜糖精製所、鑛業造
所及ビ罐詰工場ヲ含ム北海邊開拓使、初
期ノ政策ニハ幾分力ヲ貢性ガアタ(註一日)
清戰爭ノ結果台灣ガ併合サレタ時砂糖
ノ生産ハ特別ナル政府、援助ト指導、下
ニ發展セシメラレ一方製鹽並樟腦工業ハ
國家ノ專賣事業トシテ擴張サレタ。朝鮮
總督ハ初期ニハ炭坑、鹽田及ビ製材所ヲ
經營シタガ近年ニハ殊ニ宇垣將軍、下六

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(註一) 一九一〇年 マントン版

「新日本、五十年」第二卷 五一八頁 佐藤庄助

音訳「北海道トソ、五十年間、進展 参照

(註二) 社会民主党、一九三三年二月、選舉、スーパニハ満洲、權益、民衆、手ハデアツタ

一九三三年一月二十三日「東京朝日」二五一一一

(註三) 一九三三年一月六日 全紙六一七頁 社説 参照

(註四) 「新日本、五十年」第二卷 五四六頁 後藤新平
台湾、統治

(註五) 後者ニツニ関シテハ「トラウス、パシフィック」一九三八年十一月一日 一九頁 参照

(註六) 一九三六年十一月十四日 滿洲日報 一四

(註七) 石倉社、定款並ニ之ヲ監督、為ル、滿洲國法律ハ一九三九年、日滿年鑑、九〇五—九一一頁所載、此、發展、意義ハ「太平洋事情」第十卷三三—三九頁九月第三三三—三七頁所載滿洲國、新經濟政策ニ於テナガハル、ヤスヲ(音訳)カ論説ヲ為ス

(註八) 一九三八年四月一日 東京朝日 十頁及一九三九年版日滿年鑑八〇五—八〇六頁所載、摘要 参照

(註九) 滿洲日報 一九三八年三月十五日二頁、一 一九三八年三月十六日一頁、一 八頁、四 一九三九年版日滿年鑑八九九頁乃至九〇一頁

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(註一) 一九三八年八月一日東京朝日六頁

(註二) 會議事項二箇之、一九三八年七月十三日東京

朝日二〇頁 參照

(註三) 東京朝日一九三八年八月十六日二一〇頁 同月二十三日

二〇二頁 同年九月九日一二〇頁 同月二十一日二八〇

頁 同月三十日四二頁 一九三九年一月十日一〇八頁

資金統制、統合ニ関スル一般論ニ付テハ稻葉四郎

著「日滿資金統制、戰時的才德」滿鐵調査月報

十九、四 一九三九年四月 一一三頁 參照

四 國防

世界大戰ハ合衆國、大英帝國、佛独ニ於ケル程徹底
的ナ經濟統制ヲ日本ニ於イテ誘致スルニ至ラナクツ

テアリヌ 一九〇四年明治三十七年、海軍給與令、如

キ法令ハアリヌニテガ、広義ニ於ケル軍需産業、動員、

リヌ、近代的不法律ヲ制定セシメ、ハ一九一八年、大正七年

迄ハナクツテアリヌ、ハ、年、軍需工業動員法、

広汎ニ亘リ軍需物資ヲ指定シ且ツソレヲ生産スル各種

産業ニ對スル監督使用或ハ徵用ヲ規定シテ、テアリ

ヌ(註二)

同法規定ノ多クハ實施サレナクツテ、テアリヌ

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日本が戦争ニヨリ諸多、不便、デモ、ヲ避ケ得クニハ自ラニトリ
慶賀スベキコトデアツタト思ハレルデアリマス。併し日本
陸海軍、軍人が若シ歐洲ニ於ケル戦争ニアツテハ経済
統制、役割が頗ル擴大サリコトヲ認識セズ且ツ
此趨勢、對差處ニ國防上ノ新計畫ヲ樹立ス
ルコトヲ思フタトシラフ國家ノ爲奉公、誠ラ充分
盡シタスノハ名ヘナイデアリマス。

參謀本部及軍令部、此新コトハ永田鉄山、
様ノ戦争中ヨーロッパノ大公使官、附武官トシテ勤務
シテユタ若干、少壯將校ニヨツテ指導サレタ、デアリマス。
彼等、意國ハ一九二七年ニ廣汎ノ国防問題、研究及ビ
ソノ対策、立案ニ當ル資源局、設立トナツテ具体化シタ
デアリマス。同局、初期、仕事ハ其結果トシテ一九二九
年ニ産業、全部門ニ對シ報告提出ヲ要求シ且ツ必
要、場合同局所屬、調査官ヲ派遣スル權限ヲ同局ニ附
與スル資源調査法、公布ヲ見タ、デアリマシタ。此等、報
告及調査ハ實際ニハ政府、各種正規、部局ヲ取扱ヒ
テ来タモノデアリマス(註三)

資源局ハ外部ニハ余リ知ラズニシ、仕事ヲ進メテ来タ、
デアリマシタが特殊軍事上ノ重要性ヲ持ツ産業ニ関
シ逐次新コト法令ハ公布ヲ見タコトニヨツテソノ躍進
振リが窺ハレタ、デアリマス。此等産業、ニミニ對スル結
果ヲ概觀スルコトニヨリ此実が判ルキリスルモト思ヒマス。

No 52

Refence Dec. 598 (11)

鉄及鋼

鋼、製産及鋼製品ハ既ニ明治維新

ノナリ以前ヨリ日本政府、重大ノ関心ヲアツキ、テ
リミテ、コノ産業ハ長ラク官営、ハ幡製鉄所ニヨツテ支
配サキ居リマシタ。民間舍社ハ規模ニ於テハ大キカク
ガ數ニ於テハ限ラリマシタ。彼等相互間、企業聯
合一九三年、重要産業統制法ニヨツテ促進サレタ
加コルニ、船舶補助金、國鉄及ニ陸海軍、購買方針
及國稅其他、輸入制限等ニヨツテ間接的ノ統制モ
勿論可能デアリマシタ。主要鉄鋼製造舍社各社
合同ニテ單一、半官的舍社トスルコトヲ規定スル法律ガ
一九三年三月ニ議會ヲ通過シ、後同モナク其施行
ヲ見タナリマシタ。

(次頁ニ續ク)

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日本製鐵株式會社、銑鐵、國內生産、殆ど全部並ニ銑
鑄、鋼製品、約半介ヲ引受ケマス(註3)

一九三八年、初メ、商工省內ニ銑鋼統制協議會を創設シ、銑
鋼並ニ、製品、輸入、生産、配給、輸出入ニ對スル統制的割
當ヲ決ムコトニテリマシタ。特殊生産者側ニ對スル割當ハ日
本鋼材聯合會ニヨリ決定セラル、又消費者側ニ對スル割當
ハ工、鉱業、電力、機械等ニ屬ス種々ノ団体ニヨリ決
定セラル。割當ハ銑鋼配給統制規則ニ基キ強制的デ
ス。一九三八年七月ヨリ實施サレマス(註4)日本鋼
材聯合會ハ又鋼製品、販賣ヲ統制シ、一、銑鐵、日
滿銑鋼販賣會社ニヨリ同様ニ取扱ハラス、會社ハ日
本製鐵株式會社並ニ(滿洲)昭和製鐵所ヲ代表シマ
ス。一九三九年、初メ、屑鐵配給ガ、堂々々ノ団体ニ加
ヘラレシタ、団体ハ勿論非鉄金屬、統制組織ト其、
軌ヲ一ニスルモデアリマス(註5)

自動車

軍用自動車製造者ニ對ス補助金ハ、前年議會
ヲ通過シタ法律(軍用自動車補助法)ニ基キ一九一九
年ヨリ交付サレシタ。ニス並ニトラック、依リ計画輸
送、一九三二年ニ制定セラシタ自動車交通工業法ヨリ
鐵道省、統制下ニ置カレシタ(註6)

一九三二年、重要産業統制法ニヨリ、カルテル化ガ可
能ニシラ来シタガ、商工省側デハ日本、主要生産

N 0 4 5 4

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業者決定の合同ヲモトメ、結果一九三三年、初、自
動車工業株式會社ヲ構成セシメ、會社、民有ヲ
了シ、直接補助金ヲ交付シ、又、鐵道省、如、
公的機關ガ製品、特惠的買上ヲ行、力、手段ヨリ、
發展並ニ統制、政府、援助ヨリ、容易ニ行、ベ、テ、来、シ、
元三六年、自動車製造業法ニ依リ、各製造者ニ對シ、割
當ニ對シ、勿論、一般ニ統制ガ強化サ、得、セ、ラ、シ、
中國ニ於、テ、紛争勃發以來、自動車、増、産、日、滿、國、
々々、企画セ、ラ、シ、種々、ニ、テ、年、計畫及、ビ、五、年、計畫、於、テ、
重要項目トナ、リ、シ、
政府政策、シ、特殊形態ニ輸入燃料節約、タ、
油、木炭、新、燃料トシ、エ、ニ、シ、
生産ヲ獎勵セ、ト、ス、リ、シ、
日本、ソ、領土内、テ、民、間、需要並ニ艦隊及、ビ、陸軍、
需要ニ、
テ、
大英帝國世界、石油供給量、大部分ヲ政治
的、或、協同的統制シ、
後、
當、
題、
調查委員會、
ニ、
政府各省專門家協議會、
一九三三年、
何、モ、對、策、

No 6555

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建言致シマシタ石油業法が結局一九三四年ニ通過シ、ソレニ依リテ油ノ精製又ハ石油及ビソノ製品輸入ノ許可、日本國內ニ常ニ最低六ヶ月ノ供給量、貯藏ヲ輸入業者ニ要求スルコト、業報告及ビ調査施行ヲ命ズルコト及ビ價格變更ノ施設ノ改善ノ擴張及ビ供給確保ニ必要ナ其他ノ處置ヲ命ズル權限が政府ニ与ヘラレマシタ。是等條項ノ適用ニ當リテ政府ハ新設ノ石油業委員會ニ諮問スル必要ガアリマシタ。價格生産及ビ輸入割当ハ其レ以来商工省ニヨリ設定サレマシタ。尤モ本法ノ條項中ノ或モハ適用ハ輸入市場ヲ支配スル米英石油会社トノ長期ニ亘ル論争ニヨリ遲延致シマシタ。自家用自動車用ガソリンノ割当ハ蘆溝橋ノ變後約十ヶ月、一九三八年五月一日迄實施サレマセシメシガソレ以後ハ嚴格ニテリマシタ。個人消費用トシテガソリンニアルコイルヲ混合スルコトハ一九三八年七月一日以降漸ク強制的トナリマシタ。一九三七年三月オセテ議會ヲ通過シテ該律アルコイル專賣法(ニ基テ政府アルコイル專賣權ノ設定ニヨリコイル處置實施ノ準備ガ出来テイタリマス。政府保証ニヨル滿洲鞍山ニ於ケル石油頁岩蒸溜ノミニテラズ一九三七年ノ人造石油製造業業法、今年ノ法律(帝國燃料工業業株式會社法)ニヨリ認可サレタ帝國燃料工業會社及ビ一九三八年ノ石油資源開發法ニ依リ更ニ般的ニ石油増産が助成サレテホリマシタ。(註七)

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航空機

日本、航空機、製造並に民間航空輸送、発達、其に於て、遅く居り、之を兩者共西洋諸國、航空工業、其世界大戦中言ひ、大景況、是迄、二十多年待、シト、余儀、之、之、然、一九三二年以來陸軍海軍、通信、鐵道各省、之、製造輸送計畫、及研究補助金、之、交付、之、航空工業、之、獎勵、之、行、之、之、一九三八年三月、法律、(航空機製造工業法) 依り製造工業、之、獎勵、及、統制、が、規定、之、一九三九年五月、日本航空輸送会社、之、合同、之、國策会社、日本航空会社、(大日本航空株式會社法) として、之、(註八)

Doc 598 (11)

No 6757

電力

日本ニ於テハ發送電事業ヲ結局政府ノ管理ノ導イテ運動スル
陸軍関係ノ軍人ガ参加シ活潑ノ動キヲ示シタリマシタ。
然レモ尙統制ノ理由ハ其一部ノミガ軍事的ナリタリマシタ。
此ノ統制ニ対スル陸軍ノ関心ハ政府ノ統制ガ文官官吏ニ依リ
長ク間主張サレ續ケテ来タ後テ初メテ現ハレタリマシタ。
燃料ノ不足ト其反面水力ノ豊富トイフ理由デ日本ニ於テハ發電
事業及電力ノ消費ハ急速ニ発達致シマシタ。千九百三九年
迄、此ノ事業ハ四五ノ大会社、手ニ掌握サレ更ニ是等ノ合
社ハ日本ノ大財閥若干ニ依リテ支配サレ居タリマシタ。電力ハ
自家発電所ノ設備ヲナシ得ナイ小規模工場ノ停頓ハ感テ
アリ又農業問題解決策トシテ提唱サレイル産業ノ分散ニ對
スル鍵ヲモアリマス。是等事實ハ何レモ電力事業ノ統制ガ社
會革新ノ象徴トナリ。民間ノ独占事業ニ對スル利益優先ノ
象徴トナルニ定リタリマシタリマシタ。陸軍指導者達ハ戰時ニ
於テハ統制ノ結束ニ必須ノ先決要件トシテ社會革新ヲ支持シ
亦定數年ニ對スル日本ノ極大ノ脆弱性ヲ緩和スルニ役立ツトシテ
産業ノ分散ニ賛意ヲ表シタリマシタ。更ニ電力ノ資金源ノ不足
シム及アルミニウムノ及兵器工業ニ直接間接ニ関係アル化學製
品ノ生産ニ重要ナモデアリ日本陸軍ノ指導者等ハ戰時ニ於テハ
電力ノ不足ノ此レ性ヲ憂慮シテ居タリマシタ。斯レテ電力
事業ノ統制ガ陸軍及議會ニ於テ取モ社會主義的性格ヲ
有ル政黨タル社會大眾黨ハ兩者並ニ陸海軍ノ何レモ関係

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No 6858

ナギ多数文官官吏ヨリテ主張セラルト云フコトハ敢テ異トスルニハ当
ラナイデアリマス。斯ル統制ハ風ニ論議セラレタル所デアリマスガ、
漸ク一九三六年ニ至ツテ廣田内閣ノ政綱ニ一ニ主要事項トシテ
トリ上ゲラレタリデアリマシタ。統制ハ多ク國會議員及民間電力
事業方面ヨリ反対ヲ受ケタデアリマシタ。陸軍ハ斯カル經濟計
画ヲ軍部以外ノ他ノ省ニ委カスト云フ約束ヲ守ツタデアリマシタ。
而シテ内閣ハ独断ヲ行ケ、商議ニヨル方法ヲ選ンダデアリマシタ。
此爲進捗緩慢デアリマシタ。電力管理法日本発送電株式
会社法及附属法が修正上議會ヲ通過シタハ、漸ク一九百
三十八年三月デアリマシタ。該会社ハ一九三九年四月一日デ正式ニ
開業サレナカッタガ、之ハ政府ノ新統制機關デアリマシテ、之ニ
主要發電及配電系統各社財産及設備が併合サレタデアリ
マシ。(註第九)國防ニ關聯ヲ持ツコトヲ理由デ資源局ノ助言ニ依リ、
振興又ハ統制サレタ諸種産業ノ表ヲ我々ハ未ダ充分檢討シ盡
シタコトヲ誤デハナイデアリマシテ、更ニ其表ノ完結ヲ期スルトスレバ他
箇所デ檢討サレタ肥料及船舶事業モ含メラレルコトナリマセウ。
事實殆ド凡テ統制措置ハ經濟力及一般福祉ヲ増進スルコト計畫サ
ル、限リニ於テハ國防ニ寄与スルコト解釋シ得ル所デアリマセウ。馬匹ノ
飼育或ハ非鉄金屬生産ノ獎勵ノ如ク其關係が全ク直接的ナル
事例が尚他ニ、ニミアルデアリマスカ一般趨勢ニ就テハ既ニ數多クノ
例証ヲ與ヘテ置イタ所デアリマス。一九三七年七月以前既ニ行ハレタ
種々ノ特別法ノ廣汎ニ實施ハ中國ニ於ケル戰争ニヨリ生起シタ
諸種緊急必要請ノ対策ヲ單純化シタデアリマシテ、日本が何故其動
員法ヲ採用及ビ實施ニ際シテハ獨逸ト實際ノ戰争開始ニ先立ツ
一九三九年八月廿四日ノ

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No 6959

英國ニ於ケル 緊要多心全權法、公布ニ対比シテタルモノガリタリ
説明スルニ役立ツモノアリマス。一九三七等九月初旬ニ開カシタ
第七十三特別議會ハ一九八等ノ時代後、軍需工業動員
法ヲ採用シタ法律ヲ同法ニ其原用語ニ依リテ戰爭、狀態ニ
限定サシキトイフ唯一理由ヲ審議カ決メタリマス。(註10)
用語ニ此修及ビ特別戰時費ヲ別トシテ、此特別議會ハ取重
要トシテ、臨時復金調整法ト臨時船舶管理法ヲトシタリ。
國家總動員法ハ一九三八等三月第七十三通常議會ニ依リテ
貴衆兩院ニ於ケル長期ニ亘ル自覺的論議、結果制定見タリ
タリマス(註11)之ハ廣義ニ解スルニ内容ニ於テ最近佛英兩國
夫々ノ代議院或ハ國會ニ於テ何等ノ討論ヲシ採擇サセ
緊要多心法ト大差ナシモ、法實施ヲ可能ナシメル一ツ、
總括的原則アリマス。(註12)同法、多數ノ規定、廣汎ニ亘ル
各種ノ統制ヲ認許スルモノアリマスガリシ自体是等モノヲ制定
スルモノデナイテアリマス是等權限、多クハ戰爭年が三年経過之後
ニ至リテモ利用サレカタクアリマス。其實施ハ勅令ヲ通シテ行
ハレタリマス。勅令ハ議會ノ協賛ヲ必要トシナイデアリマスガリ
政府ハコレニ依テ相當大權ヲ取得スルコトナリマス。所ニガ
ラ内閣ハコレヲ全ク自由ニ立場ニ置カシタリテナイデアリマス。其故ハ
勅令ノ草案ハ公布ニ先ダリテ其意見ヲ本タルタメ國家總動員審
議會(註13)ニ提出セシメ、而モ其審議ハ形式的モノガハ
カリデアリマス。

原文四九頁

凡三凡年十一月三十日迄三月用解説ニテ〔國家〕總動員法、諸條(項)

ニ依リ以下主入諸勅令カニ命言タ。(註一四)

總動員業務指定例(法第三條)(註一五)

國民徵用例(法第四條)(註一六)

工場就業時間制限令(法第六條)(註一七)

従業者雇入制限令(法第六條)(註一八)

原文五〇頁

學校卒業業者使用制限令(法第六條)(註一九)

賃金統制令(法第六條)(註二〇)

賃金臨時措置令(法第六條)(註二一)

米穀搗搗等制限令(法第八條)(註二二)

電力調整令(法第八條)(註二三)

會社利益配分及資金融通令(法第十條)(註二四)

會社職員給與臨時措置令(法第十條)(註二五)

工場事業場安全管理令(法第十三條)(註二六)

總動員業務事業設備令(法第十二條)(註二七)

價格等統制令(法第十九條)(註三八)

地代家賃統制令(一九條)* 二九

醫藥關係者職業能力申告令(二一條)* 三〇

船員職業能力申告令(二一條)* 三一

獸醫師職業能力申告令(二一條)* 三二

國民職業能力申告令(二一條)* 三三

學校技能者養成令(二一條)* 三四

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- 工場事業場技能者養成令 (二三條) * 三五
- 船舶運行技能者養成令 (二三條) * 三六
- 總動員業務事業五計畫令 (二四條) * 三七
- 總動員試驗研究令 (三五條) * 三八
- 總動員補償委員會規程 (三九條) * 三九
- 國家總動員審議會官制 (五〇條) * 四〇

是等、勅令、規定、多ク、一般のうかん法令、下ニス、三部分の實施、ニテ、統制、一層、効果的、組織化ト綜合ヲ目標ト、シ、居リ、ソレモ、戦争が繼續スル、國家總動員法發動、對シ、要請、ハ、更ニ、強ク、可能に、ナリマス。

國ニ直接間接關係、多ク、他、法律、一九三七年以來制定セラル、カ、第七十四議會、カ、八四上、テ、居リマス。是等、多ク、ハ、本所、カ、他、箇所、テ、言及、ス、テ、居ル、通リ、ナリマス。爾余、モ、ハ、中、次、カ、ハ、最モ、直接總動員ニ、關係、シ、テ、居ル、モノ、ナリマス。

- 軍用鑛物増産法
- 資料配給統制法
- 工作機械事業法
- 帝國鑛業開發株式會社法
- 輕金屬製造事業法
- 軍馬資源保護法

此、日本、戰時統制、獨リ、法令、ニ、モ、又、國家總動員法、下、於、此、勅令、ニ、モ、ハ、其、大體、於、佛蘭西及英國、於、當時行、ハ、同種、カ、或、ハ、世界大戰時、而、改、先例、以上、カ、居、テ、アリマス * 四

No 9262

Defence Doc. 598(111)

- (註二) 柳瀬良幹「軍需工場動員」法律學辭典第一卷三四七頁
參照
- (註三) 田中二郎「資源調査」同上第二卷一八七頁參照一九
三九年六月七日、合衆國法基ノアリカ合衆國鐵
山局、軍用鑛物資源調査ヲ參照
- (註四) エーランドニ於ケル鐵鑛採掘、獨占權ヲモゾ國營鐵
鑛業設立ヲ許可セル一九三七年、ニミラント鐵鑛業
法參照、ローナ著「國家ト工業、經濟記錄」ホルノ
XV 附錄一九三九年十月二七頁
- (註五) 要約「東京朝日」一九三八年六月十九日二八〇頁掲載
(註六) 東洋經濟第六卷第一號一九三九年一月二二四頁載
「銅業」參照、同書第六卷第二號一九三九年二月
九日九八頁「銅・石炭統制」參照
- (註七) 法律學辭典第二卷二五二頁喜安健次郎所著「自動
車交通事業法」
- (註八) 最近發達及ビ計畫關ニハ一九三九年一月十九日附刊
東調查第八卷第二號第三三頁所載「ヨニクス」一
上「JOHN R STEWART」日本ハ依然トミ「頁岩」カラ石油ヲホ
メナルト云フ記事參照
- (註九) 最近發達、概況ニ就テハ一九四〇年一月三十一日附刊東
調查第九卷第三號第三七八頁所載「リス」ハオドル
「LAWRENCE HODOLL」日本ニ於ケル國產航空機生産發
勵努力」ト云フ記事參照

Defence Dec. 598(11).

No 7363

(註九) 電力獨占會社開業法、一九三九年五月「オリエンタルエコノミクス」vol. 5 三二五頁—三二六頁、電力國家策實施、一九三九年六月東京ガゼット第二四號一五—一六頁

(註十) 此法律、國家總動員法、公布と同時に之、依テ代理サレス、デトリマス、一九三七年、改正及び一九一八年、法令中、主要規定、本文、セホルド / SEBALD / 著書、一七三四頁ニ譯出サレテ居リス。

(註十二) 一九三八、年四月一日公布、此法律、正文、譯文、一九三八、年二月二十四日、「トランスパシフィック」 / TRANS-PACIFIC / 第一六一七頁ニ掲載。

亦一九三八、年四月六日、「フー・イースターナーサービー」 / FAR EASTERN SURVEY / 第七卷第七號、第七九—八〇頁所載カネー、バーズ / KATHLEEN BARNES / 日本政府白紙小切手ニ與ヘル、及び一九三九年二月一日、同誌第七卷第三號、第二五—二六頁所載、ミリアム・ハーレー / MIRIAM HARLEY / ニヨル、日本ニ於ケル國家總動員論等、参照。

(註十三)

亦米國大統領ノ戰時非常權限及ビ是等權限ノ行使例ハ戰時産業廳ヲ通ジテサレルモノ等ヲ比較セヨ。大統領ニ價格決定、利潤統制、資源徵用及ビ産業従事者指揮等ノ權限ヲ附與セントスル産業動員法ノ提案ハ一九二二年以來殆ンド連續米國議會ニ提出サレ一九三二年ニハフーバー・HOOVER大統領ノ下ニ戰爭政策委員會ニ依テ推薦サレ一九三八年ノ春ニハ之ヲ總統ニ諮問ナ論議ヲ關ハサレタリデアリマス。此ノ如キ措置ヲ縱シバ未ダ法令全書ニ採録サレテイナカッタレトモ、米國ハ宣戰直後同法ヲ採擇シタデアラウコトハ疑ヒヲ容シナイノデアリマス。

一九三八年三月ノ「CONGRESSIONAL DIGEST」

第七卷 第三號

第七五—六頁 参照

(註十三)

審議會ハ一九三八年八月十日ニ初會議ヲ開イタリデアリマス。一九三八年八月十一日ノ「東京朝日」

／＼TOKYO ASAHI／ 第一三七頁参照

(註十四)

一九三九年六月十五日東京朝日二四九頁「所載」總動員法施行一箇年 参照。又一九三九年八月十日汎太平洋一九頁ニ便利ナ命令ノ表カアル。筆者ハ一九三九年十一月三十日迄ノ下ニ掲ケル表ハ完全ナモト思フカ入手出来タ資料デハ見落シハ何モナイト云フ確言ハ為レ得ナイ。

Defence Doc 598 (11)

No 7565

- (註十五) 一九三九年七月五日公布總動員業務指定令 正文
官報第三七五號 一三〇—一頁
- (註十六) 一九三九年七月八日國民徵用令官報第三七五號 三
一—三頁。本勅令、解說及其、適用、困難ナルコトニ就
テ、一九三九年五月改造第三十一卷第五號二四—二二頁
杉山平助(執筆)總動員法第四條、発動ニ參照
- (註十七) 一九三九年三月三十一日工場就業時間制限令 正文
抜萃、東京朝日 一九三九年三月三十一日 四—〇頁。施
行細則、同紙 一九三九年四月十九日 二三四頁 掲載
- (註十八) 一九三九年三月三十一日從業者雇入制限令 雇入制限
令及學校技能者養成令(?)、規定要領、一九三九
—四〇年、日本年鑑 六〇六—一一頁ニ掲載。影
響ヲ受ケタ産業ニ就テ、東京朝日 一九三九年四
月九日 一〇二頁 參照
- (註十九) 一九三八年八月二十四日學校卒業者使用制限令 正文
東京朝日 一九三八年八月二十四日 三六頁ニ掲載
- (註二十) 一九三九年三月三十一日賃金統制令 正文抜萃、東京
朝日 一九三九年三月三十一日 四—〇頁ニ。又施行細則同紙
一九三九年四月九日 一〇二頁ニ掲載
- (註二十一) 一九三九年十月十八日 賃金臨時措置令 官報第
三八三六號 五七五—一六頁
- (註二十二) 一九三九年十一月二十五日 米穀 搗精等制限令 官報
第三八六六號 九五九頁
- (註二十三) 一九三九年十月十八日 電力調整令 官報第三八三七

No 766

Defence Doc 598(11)

第五二一頁

- (註三三) 一九三九年四月一日、會社利益配當及資金融通令、正文、東京朝日 一九三九年四月一日六頁、掲載
又極東研究一九三九年六月二十日第八卷第十三號
一五三—四頁 ミリアム エス. フォー / MIRIAM S. FARRLEY
『日本陸軍配當制限戰=勝』 参照
(註三五) 一九三九年十月十八日、會社職員給與臨時措置令、
官報第三八三號、五七—八頁
(註二之) 一九三八年五月四日、工場事業場管理令、五月五日、國
家總動員法、施行、結果廢止サシ、軍需工業動員
法、規定ニ代テ公布サシ
(註三七) 一九三九年七月一日、總動員業務事業設備令、
官報第三四五號、二—三頁
(註三八) 一九三九年十月十八日、價格等統制令、官報第三八三號
五七—一五頁、其、檢討ニ就テ是シモ、太平洋一
九三九年十月二十六日、號、二頁、参照
(註三九) 地代家賃統制令 一九三九年十月十八日、官報第三八
三七號、五七—五八頁
(註四十) 医療関係者能力申告令 一九三八年八月二十四日、正文
東京朝日 一九三八年八月二十四日、三—六頁、所載
(註三一) 船員職業能力申告令 一九三九年一月三十日
(註三二) 獸医師職業能力申告令 一九三九年二月四日
(註三三) 國民職業能力申告令 一九三九年一月七日、日本文

Defence Doc 598(11).

正文 東京朝日 一九三九年一月七日 六八頁所載

英文摘要 日本年鑑 / *The Japan Year Book* / 一九三九
一四〇 七二一—四頁所載

(註三三) 學校技能者養成令 一九三九年三月三十日

(註三四) 工場事業場技能者養成令 一九三九年四月五日

(註三五) 船舶運航技能者養成令 一九三九年十一月二十日

官報 第三八六四號 八二九—三〇頁

(註三六) 總動員業務事業主計劃令 一九三九年七月二十六日

官報 第三七六六号 九四五—六頁

(註三七) 總動員試驗研究令 一九三九年八月三十日

官報 第三七九六号 一二三七頁

(註三八) 總動員補償委員會規程 一九三八年七月二日

正文並ニ委員會委員ノ資格ニ就テハ東京朝日
一九三八年七月三日 三三頁ヲ見ヨ

(註三九) 國家總動員會議令 一九三八年五月四日

(註四〇) 戰時經濟機構、表、ト—キョーガゼット

The Tokyo Gazette / 一九三九年一月九号
二五—七頁ニ掲載 ア—ス著「日本、政治、経済」
、抜萃 九—四三頁 四四—五三頁

No 7767